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Security Council

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Monday, 23 April 2001, 10.15 a.m.

New York

President:	Sir Jeremy Greenstock	(United Kingdom)
Members:	Bangladesh	Mr. Chowdhury
	China	Mr. Wang Yingfan
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Ireland	Mr. Ryan
	Jamaica	Miss Durrant
	Mali	Mr. Ouane
	Mauritius	Mr. Neewoor
	Norway	Mr. Kolby
	Russian Federation	Mr. Lavrov
	Singapore	Mr. Mahbubani
	Tunisia	Mr. Mejdoub
	Ukraine	Mr. Kuchinsky
	United States	Mr. Cunningham

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2001/331).

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01-34294 (E)

The meeting was called to order at 10.25 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2001/331)

The President: I should like to inform the Council that I have received letters from the representatives of Argentina, Australia, Bahrain, Canada, Egypt, India, Iraq, Japan, Jordan, the Libyan Arab Jamahiriya, Malaysia, Mexico, New Zealand, Pakistan, the Republic of Korea, Sierra Leone, South Africa, Sweden, the Syrian Arab Republic, the United Arab Emirates and Yemen, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Cappagli (Argentina), Ms. Wensley (Australia), Mr. Buallay (Bahrain), Mr. Heinbecker (Canada), Mr. Aboul Gheit (Egypt), Mr. Sharma (India), Mr. Al-Douri (Iraq), Mr. Satoh (Japan), Prince Zeid Ra'ad Zeid Al-Hussein (Jordan), Mr. Dorda (Libyan Arab Jamahiriya), Mr. Hasmy (Malaysia), Mr. Navarrete (Mexico), Mr. MacKay (New Zealand), Mr. Ahmad (Pakistan), Mr. Lee Ho-jin (Republic of Korea), Mr. Kamara (Sierra Leone), Mr. Kumalo (South Africa), Mr. Schori (Sweden), Mr. Wehbe (Syrian Arab Republic), Mr. Samhan (United Arab Emirates) and Mr. Al-Ashtal (Yemen) took the seats reserved for them at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 19 April 2001 from the Permanent Observer of Palestine to the United Nations, which has been issued as document S/2001/388, and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the forthcoming debate of the Security Council regarding the protection of civilians in armed conflict, which is to be held on Monday, 23 April 2001."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the current debate, in accordance with the rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

I invite the Permanent Observer of Palestine to take the seat reserved for him at the side of the Council Chamber.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation to the Permanent Observer of Switzerland to the United Nations to participate in the discussion, without the right to vote.

There being no objection, it is so decided.

I invite the Permanent Observer of Switzerland to the United Nations to take the seat reserved for him at the side of the Council Chamber.

I should like to inform the Council that I have received a letter dated 20 April 2001 from the Permanent Representative of Malaysia to the United Nations, which reads as follows:

> "I have the honour in my capacity as Chairman of the Islamic Group at the United Nations to request that the Security Council extend an invitation to participate in the discussion without the right to vote, under rule 39 of the provisional rules of procedure of the Council, to His Excellency Mr. Mokhtar Lamani, Permanent Observer for the Organization of the Islamic Conference to the United Nations, during the Council's discussion on the agenda item entitled 'Protection of civilians in armed conflict'".

That letter has been issued as a document of the Security Council under the symbol S/2001/389. If I hear no objection, I shall take it that the Security

Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Lamani.

There being no objection, it is so decided.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mrs. Mary Robinson, High Commissioner for Human Rights.

There being no objection, it is so decided.

I invite Mrs. Robinson to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General to the Security Council on the protection of civilians in armed conflict, document S/2001/331.

I should like to make some introductory remarks. It is important that something solid and valuable emerge from today's debate. In a moment, the Deputy Secretary-General will introduce the Secretary-General's report on behalf of the United Nations system as a whole. This will be followed by a short statement from the High Commissioner for Human Rights on the specific human rights issues related to the protection of civilians in armed conflict. Other Secretariat members will be present during the debate. I intend, as appropriate, to invite them to answer any questions which directly affect their areas.

I hope that the debate will see short, focused statements from members of the Council and non-members alike, concentrating on what the Security Council can do in practical terms to further the protection of civilians on the ground. The emphasis should be on practical steps that will make a difference. Broad statements of national positions were made in the stages leading up to the adoption of resolutions 1265 (1999) and 1296 (2000), and detailed accounts of conflict situations can be contributed when we address those items specifically. We need to respect the division of responsibilities in the United Nations system, in particular between the Security Council and other organs of the United Nations. The topic of coordination will therefore be relevant.

Some key points for this debate might include the following. Bearing in mind the Secretary-General's comments in the report, what more can be done to implement the provisions of recommendations that he made in September 1999 (S/1999/957)? What are the most operational recommendations in his present report? How best can we implement Council resolution 1296 (2000) of 19 April 2000? What are members' reactions to the recommendations in the Secretary-General's report? What practical conclusions can usefully be teased out from them? What sorts of provisions should be included in peacekeeping mandates to improve the protection of civilians? What new capabilities are required in the United Nations system to ensure that they are implemented? What pressure can be brought to bear on the parties to conflicts, including non-State actors, to live up to their moral and legal responsibilities to afford protection to civilians?

With that sort of focus on implementation, I am sure that we can begin to make a difference.

I now give the floor to the Deputy Secretary-General to introduce the Secretary-General's report.

The Deputy Secretary-General: The Council is meeting today to continue the debate on a subject of vital importance: the protection of civilians in armed conflict. Civilians account for an estimated 75 per cent of war victims. The ongoing human suffering inflicted by conflicts, from Afghanistan to Angola and from the Middle East to the Great Lakes, is a daily reminder of the need for a new and concerted response at the highest political levels from Governments, which bear the primary responsibility for protecting civilians, from the Security Council, and from all others who can help cover the considerable distance still to be travelled if the international community is to find truly effective solutions in this area of acute human need.

I would like to stress at the outset how glad I am that the Council has invited the United Nations High Commissioner for Human Rights to address this meeting. Looking at the protection of civilians from the perspective of human rights can help identify very useful steps that the Security Council may wish to consider. Mrs. Robinson will speak to the Council in greater detail along those lines. My own remarks will

concentrate on a few key points arising from the Secretary-General's report.

Wars today are often fought not between sovereign countries or with regular armies, but between different religious, ethnic and political groups and with irregular armed groups. In those conditions, civil-defence forces, vigilante groups and militias often prey on civilians for their own private and destabilizing purposes, and in some cases specifically target them. Given such circumstances, the protection of civilians must become a regular and central aspect of United Nations peace operations and should be reflected in the mandates and the design of such operations.

The second report of the Secretary-General on the protection of civilians in armed conflict is now before the Council for consideration, in document S/2001/331. As members know, the first report on protection (S/1999/957) was issued in September 1999 and contained 40 recommendations for action. The new report complements the first report's findings and takes a closer look at current trends in a few areas that are of concern to the international community or that have shown some encouraging developments in recent years. Among those areas I wish to mention three.

First is the criminal prosecution of violations of international criminal law. We have recently witnessed remarkable progress, both domestically and internationally, in efforts to end the culture of impunity for those who have committed serious assaults on the civilian population during an armed conflict. The Secretary-General's new report urges the speedy ratification of the Statute of the International Criminal Court, and calls for reliable funding of the international criminal tribunals, and in particular the special court for Sierra Leone. The report also supports the use of truth and reconciliation commissions, calls on Member States to enforce international law, and opposes the use of amnesties for genocide, crimes against humanity and war crimes.

Second is the question of access to vulnerable populations. Access to affected civilian populations is a prerequisite for any meaningful action and impact on the ground. The Security Council has a pivotal role in that respect, particularly in engaging with all parties to a conflict, including armed groups not controlled by a recognized State. Operations mandated by the Council, such as those in Angola, Bosnia and Sierra Leone, have been handicapped by their inability to establish effective contact with such groups. Renewed efforts are needed in that area, given the nature of today's conflicts.

A third priority must be the separation of civilians and armed elements in refugee camps or other settlements where displaced persons gather. Recent fighting in Guinea, Sierra Leone and Liberia, for instance, has displaced hundreds of thousands of civilians. There, as elsewhere, mixed communities often find themselves under the control of unaccountable armed elements who may further terrorize already vulnerable civilians, divert needed aid to fighters, and establish bases for cross-border attacks, all of which threaten even greater destabilization and even regional wars. The Secretary-General's report underlines the urgent need for the international community to assist already-burdened host States in separating armed elements from displaced civilians at the earliest possible time in order to preserve the civilian character of asylum, to prevent further deterioration of security conditions and to deny such groups a haven for their activities.

Last September, the States Members of the Organization pledged in the Millennium Declaration to expand and strengthen the protection of civilians in complex emergencies. However, many of the main recommendations of the Secretary-General's first report have gone unimplemented. The Secretary-General hopes that this meeting will help move from words to deeds and from intention to implementation. The Secretariat stands ready to report on progress made in carrying out the 54 recommendations made in both of the Secretary-General's reports, and to devise clear steps to act upon those recommendations.

I wish the Council all success in these very important deliberations.

The President: I now give the floor to Mrs. Mary Robinson, the United Nations High Commissioner for Human Rights.

Mrs. Robinson: In recent years, the Security Council has broken new ground in its efforts to implement the Charter's blueprint for the maintenance of international peace and security. It would be fair to say that the security concepts and the strategies and methods of the Council have taken on a distinctly more people-oriented focus grounded in the norms of international law and of human rights and humanitarian law. I applaud and encourage that development.

The Secretary-General, in a series of reports, has led the quest for the plight of the victims of conflicts and of gross violations of human rights to feature more prominently in the deliberations of United Nations organs, including the Security Council. The international community owes a debt of gratitude to him for the leadership he has provided. In the current report, he invites this Council to find the path-breaking steps to enable it to implement recommendations for the protection of civilians in armed conflict.

This is the second time that I have had the honour of appearing before this Council, and I should like to thank the members for giving me these opportunities to place before them normative considerations and sources of information in the human rights area that I believe are important for the protection of civilians in armed conflict.

Throughout the world, civilians caught in armed conflict look to the United Nations to protect their rights as well as their needs. They expect us not only to provide them with emergency food and shelter, but also to protect them from further attacks on their lives, dignity and basic humanity. They expect us to assist them during the harsh days when they are most vulnerable and insecure. They expect us to help them in returning to their homes and families, in bringing to justice those who are responsible for international crimes, in knowing the fate of their loved ones and in rebuilding their societies so that they can have the chance to live in peace.

In the recommendations in his earlier report, the Secretary-General invited the Council to consider factors such as the scope of the breaches of human rights and international humanitarian law, including the numbers of people affected and the nature of the violations. He also suggested that the Council consider the question of the limited and proportionate use of force, with attention to repercussions upon civilian populations and the environment.

As the Secretary-General indicates in the current report, these are matters of ongoing discussion among Member States. I believe that the following normative and factual sources would be relevant to the deliberations and approaches of the Council in the future.

International human rights law insists on standards of protection that are applicable in all times, places and circumstances. There is a rich jurisprudence and practice in the human rights area that I believe should be an essential point of departure for the Council in judging the acceptability or unacceptability of behaviour of combatants, States and non-State actors during conflicts, internal or international.

Tackling impunity at all stages of conflict is an essential component in ensuring that fundamental human rights standards are maintained. I wholeheartedly support the Secretary-General's recommendations on this topic. Ending impunity for genocide, war crimes and crimes against humanity, whether committed by State agents or non-State actors, is obviously an important objective for the international community. The report calls on the General Assembly and the Security Council to provide support for tribunals and other arrangements designed to bring individual perpetrators to justice. On several occasions, particularly with regard to the conflicts in the former Yugoslavia and Rwanda, the Security Council has demonstrated that it will not tolerate impunity for acts that offend the conscience of humankind. Those who commit or contemplate committing gross human rights violations, wherever they are, should be left in no doubt that they will be held accountable for their actions.

The Office of the United Nations High Commissioner for Human Rights has deployed a great deal of effort to help combat impunity in a number of situations, including in Sierra Leone and East Timor. The experience that we are developing in the human rights area, including advising on the establishment of international courts and on truth and reconciliation commissions, represents an important pool of practice for this Council.

On the subject of human rights fact-finding during situations of armed conflict, establishing the facts can play a crucial part in the protection of civilians in armed conflict. In a number of recent instances, including in relation to Afghanistan, Kosovo, East Timor and Sierra Leone, human rights fact-finding missions have taken place. Reports of such missions should be available to the Council.

Allow me in this regard to cite a case on which I reported to the Commission on Human Rights only last week. At the request of the Commission on Human Rights, my Office, in cooperation with the United Nations Children's Fund (UNICEF) and the Office of the Special Representative of the Secretary-General for

Children and Armed Conflict, undertook an assessment of the situation on the ground relating to the issue of the abduction of children in northern Uganda. In the preliminary report that I submitted to the Commission on Human Rights last Thursday, I reported that there were about 26,365 cases of abduction of civilians carried out by the Lord's Resistance Army (LRA) in northern Uganda, a third of whom were children under the age of 18, and a fifth of whom were female. I informed the Commission of the system of terror perpetrated by the LRA and offered a number of recommendations based on the work of the mission. The report of the mission is being drafted and will be published as a document of the Commission on Human Rights. I am confident that members of the Council will be interested in this source of information and assessment.

As concerns the Commission on Human Rights' consideration of gross violations of human rights during armed conflicts, in recent years, the Commission has considered and adopted resolutions intended to help stop and prevent gross violations of human rights during conflict situations. The efforts of the Commission are complementary to those of the Security Council and usually entail recourse to one or more of the following methods: the gathering of information, the dispatch of fact-finding missions, public debates, the adoption of resolutions expressing concern and offering recommendations, extension of good offices and offers of technical cooperation and assistance. My Office would be happy to brief members of the Council on what the Commission on Human Rights is doing in relation to such situations.

As far as human rights mechanisms are concerned, I welcome the fact that the Security Council is increasingly looking to and drawing on the expertise of the special mechanisms of the Commission on Human Rights. At the present time, the Commission has 14 country rapporteurs and 21 thematic rapporteurs. The efforts of the Special Representative of the Secretary-General for Internally Displaced Persons are of direct relevance to this debate in the Council on the protection of civilians.

One key challenge during conflict is gaining access to the vulnerable populations. We often think of this access in terms of the delivery of assistance for humanitarian needs. But to many victims of armed conflict, meaningful access also means breaking the cycle of secrecy and suffering; it means that the plight of victims is brought into light. The United Nations human rights mechanisms provide the means for doing just that — yet these mechanisms are often denied access to situations of conflict. This means that victims are often denied the right to be heard. I consider the reports of country rapporteurs and thematic rapporteurs to be an indispensable information base for the efforts of this Council and of other United Nations bodies to strengthen conflict prevention in the United Nations. I believe that it is of the utmost importance that this Council be provided regularly with briefings on the information available in the reports of these mechanisms of the Commission. I also draw the Council's attention to the role of the human rights treaty bodies and their increasing capacity to take urgent action.

The Office of the United Nations High Commissioner for Human Rights has field offices in a number of situations of recent or ongoing conflicts, including in Burundi, Colombia and Cambodia. Field offices such as these are blazing a new path in the protection of civilians in armed conflict and in the defence of human rights and humanitarian law generally. We have given special attention to the gender perspective and to protecting women against trafficking and have been attentive to the HIV/AIDS problem in such situations.

To give a specific example of the work these field offices do, in the Democratic Republic of the Congo, our office works with the United Nations Organization Mission in the Democratic Republic of the Congo, gathers information about allegations of violations of human rights, reports these to me and through me to our colleagues in other parts of the United Nations, and generally offers its advice and support to the Government for the pursuit of national plans and the establishment or strengthening of national institutions for the promotion and the protection of human rights.

In addition to the field offices that we ourselves have established, we have also helped establish and steer human rights components in a growing number of United Nations peace operations. We recognize the significance for our work of the human rights component of these mandates. These operations should receive the political, financial and administrative support they need and deserve.

Finally, I would like to turn to the issue of human rights in conflict prevention, peacemaking,

peacekeeping and peace-building. I would point out that, as part of the reforms instituted by the Secretary-General, human rights are becoming more and more integrated into efforts for conflict prevention, peacemaking, peacekeeping and peace-building. This developing experience will undoubtedly be of interest to the Council, and it would be important that it be briefed periodically on significant developments. My Office will be more than happy to do this.

I would like to finish by commenting on several other areas of particular focus in the Secretary-General's report.

The Secretary-General appropriately emphasizes combating hate speech as a measure to enhance protection. The media can play a formidable role in promoting diversity and respect for others. It is unfortunate that the same technology is sometimes used to stir up hatred and violence. But let us consider why this is the case. The protection of civilians indeed requires us to address the root causes of conflict, which are frequently not only old and deep, but often include ethnic and racial elements. Societies in conflict often devote their energy to dehumanizing and excluding those that are perceived to be different.

The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which will take place from 31 August to 7 September 2001, in Durban, South Africa, will provide the international community with an invaluable opportunity to set up a strategy to combat the ugliness of racism in all its forms. Part of protection entails adopting a strategy to ensure that racism is tackled before it forms an organizing principle in armed conflict.

The emphasis placed in the report on the role of human rights defenders is welcome. Human rights defenders often represent a first point of contact for civilians in armed conflict. Their voices enable us to understand the plight of those we are seeking to protect. The Special Representative of the Secretary-General on human rights defenders presented her first report to the Commission on Human Rights last week, and outlined her proposed plan of work.

I see great merit in proposals for a focal point for civilians in peacekeeping missions and for increased emphasis on protection in peacekeeping mandates. The need for adequate regional responses to conflict situations is something I wholeheartedly endorse. I have appointed advisers in each of the regions to promote a strong regional approach to the protection of human rights.

My Office is acutely aware of the fact that, as the report puts it, "corporate royalties have continued to fuel wars" (S/2001/331, para. 61). The United Nations has a key role to play in promoting responsible behaviour by business in crisis areas. My Office is committed to supporting efforts by corporations to analyse the potential impacts of their presence in zones of conflict and to ensure that systems are in place to avoid unintended consequences of their operations that may result in human rights abuses.

In making this presentation I have heeded the advice given to me to provide to the Council practical insights from our normative and information sources that might be helpful to the Council in its quest for the protection of civilians in armed conflicts. From the examples I have placed before the Council it will be seen that the efforts of the Council for the protection of civilians in armed conflict are supported by the endeavours of different parts of the United Nations system.

I thank the Council once again for giving me this opportunity to address it on this important topic.

The President: I thank the High Commissioner for her important and very relevant statement to us.

I am now going to give the floor to members of the Council who wish to speak. Could I remind members and non-members of the Council that I have asked for interventions to aim at five minutes as a limit on speaking so that everybody can have the time to speak during the course of the day. Any Member State can make arrangements with the Secretariat for paper copies of their remarks to be recorded in full if in speaking they wish to curtail them or draw attention orally to specific parts of them, in the interests of time. They can make that arrangement with the Secretariat to get their written speech into the record if they wish to shorten it in their oral remarks.

Could I also say to members that if questions are raised during the course of the debate, either to the Secretariat, the High Commissioner or each other, I will make arrangements for those questions to be taken up within a fairly short period of their being raised, so that we can get some interaction on points that are raised during the debate.

Mr. Chowdhury (Bangladesh): First of all, I thank you, Mr. President, for convening this important meeting under this format, in which non-members of the Council can also participate and contribute their ideas to the Council's consideration of this important issue.

We thank Deputy Secretary-General Louise Fréchette for her very important statement, and particularly for her focus on the question of implementing the various recommendations contained in both the first and the current report of the Secretary-General. We also thank the High Commissioner for Human Rights, Mary Robinson, for her statement and for her presence here, and in particular for her bringing in the human rights perspective, which is the bedrock of protection.

We would like to begin by commenting on what we consider to be the two overarching themes for the protection of civilians in armed conflict. The first relates to prevention and a culture of peace. Prevention is at the heart of protection, and this has been made amply clear in paragraph 8 of the present report and in paragraph 29 of the first report of the Secretary-General. The preventive capacity of the Organization must be enhanced. At the same time, Member States need to take steps to inculcate values of peace, tolerance and harmony — conditions that contribute to longer-term prevention. Two years ago, the General Assembly adopted a Programme of Action on a Culture of Peace, which should be reflected in the activities of the Organization at the national, regional and global levels. We look forward to the outcome of the ongoing work on prevention taking place in various forums, and in particular to the Secretary-General's report on prevention that is due next month.

The second theme is that of coordination with other actors. The protection of civilians being a complex and multi-layered process involving multiple entities, effective cooperation and coordination with regional and intergovernmental organizations is very important. We support the observation contained in paragraph 68 of the first report (S/1999/957) of the Secretary-General that the United Nations is the only international Organization with the reach and authority to end the plight of civilians in conflicts. In paragraph 69 of the first report, the Secretary-General acknowledges the leading role of the Council in devising an overall approach to crisis resolution and in encouraging close cooperation and coordination between all components of the United Nations system, regional forces, donors and non-State actors.

It is important to examine in this context the modalities that the Council has at its disposal to carry out that role. Recommendation 11 of the present report mentions the monthly meetings between the Presidents of the General Assembly and of the Security Council. We believe that that consultation can be more effectively utilized as an important input for the Council's consideration of the items on its monthly agendas.

I should now like to address some specific issues covered in these two reports of the Secretary-General.

The first relates to the issue of resources matching the mandate. As against the perception and expectation of protection created by the very presence of a peacekeeping operation, the mandate to protect civilians should be explicit and fully matched by the required resources. This observation has been made in paragraphs 62 and 63 of the report of the Brahimi Panel, with which my delegation fully agrees. Therefore an initial assessment of the protection needs of the civilian population in the mission area and in resource planning will be crucial.

Strengthening the system-wide early warning capacities of the United Nations, in regard not only to situations that could lead to full-scale conflicts, but also to impending humanitarian emergencies caused or exacerbated by the dynamics of the conflict, will go a long way towards ensuring a better understanding of protection needs. It would be useful to strengthen, and coordinate with, capacities that exist regionally.

Secondly, I would like to touch on the issue of enhancing legal protection and enforcement and prosecution. Member States should be urged to ratify the major instruments of international humanitarian law and human rights law in order to enhance legal protection and facilitate prosecution of violations. Bangladesh fully supports developments in this direction, including the setting up of the two International Criminal Tribunals, for the former Yugoslavia and for Rwanda, as well as the adoption of the Rome Statute.

We also believe that national judiciary systems must be strengthened, as we are talking about in the case of setting up a special court in Sierra Leone. We

believe that a lack of progress in that direction would send the wrong signal.

The third point relates to the technical review of the impact of sanctions. As stated in the first report of the Secretary-General, a permanent technical review mechanism for the impact of sanctions on civilians is desirable. We would also underscore the importance of a pre-assessment of the humanitarian impact of sanctions.

The fourth point is humanitarian access. Extending protection to, securing a humanitarian space for, and providing unimpeded, timely, safe and sustained access to populations in need is of the utmost importance. In intra-State conflicts, due to the multiplicity of actors both on the warring sides and on the humanitarian side, an increasingly coordinated approach needs to be taken in obtaining and sustaining meaningful access. Access negotiations therefore should be conducted on the basis of common policies and criteria for engagement among aid workers.

We fully support the idea of the Inter-Agency Standing Committee's developing a manual of broad guidelines on strategies for access negotiations which may be suitably adjusted to local situations. The Office for the Coordination of Humanitarian Affairs (OCHA) should also build expertise on access negotiations, drawing upon its experience.

The fifth point concerns "hate" media campaigns. We agreed that issues of national sovereignty and freedom of the press constrain efforts to contain hate media campaigns in conflict situations. In reality, the practical modalities of actually shutting down hate media, though entirely desirable, are not quite apparent. That may prevent its inclusion in the mandate of peacekeeping operations. Short of that, the Council should give serious consideration to the regular integration in mission mandates of media-monitoring mechanisms for effectively monitoring, reporting and documenting the activities of hate media.

The sixth point relates to the separation of armed elements. I will not speak at length on this area, because the Deputy Secretary-General covered it in her statement.

Finally, I should like to make some comments about the general thrust of the present report, that is, reviewing the implementation of the recommendations made so far.

In operative paragraph 1 of resolution 1296 (2000), the Council decided to proceed on a case-by-case basis, taking into account the particular circumstances, and reaffirmed its intention to consider the relevant recommendations of the first report of the Secretary-General. Therefore, in reviewing the implementation aspect, this context should be kept in mind.

We would like to conclude by suggesting the following areas for consideration by the Council if an action is intended on the present report, which we would recommend.

First, in a situation of potential or actual conflict, the Council should encourage mediation through the appointment of special commissions or high-level personalities to look into the source of the dispute, build confidence and recommend practical solutions.

Secondly, in a situation of widespread violations of international law resistant to the usual diplomatic initiatives, the Council should encourage the building of an international coalition in favour of peace, with a view to breaking the cycle of violence and, as appropriate, through preventive deployment.

The Council should invite the General Assembly to pursue efforts to extend the scope of the legal protection provided in the 1994 Convention on the Safety of United Nations and Associated Personnel. Here we would like to suggest that there should be increasing adherence to this Convention by the Member States. Perhaps we should begin with all Security Council members adhering to this Convention.

We should also encourage closer coordination between the Department of Public Information and the Department of Peacekeeping Operations when setting up missions or when revising mandates, with the aim of disseminating relevant information targeted at the armed groups and the civilian population in the mission area, with a special focus on peace education and on the special protection needs of women, children and other vulnerable groups.

To broaden its information base and understanding of the situation, the Council should interact more frequently with non-State actors, including civil society organizations involved in the mission area.

We believe that, on a number of issues covered in both reports, the Council needs to undertake further

discussions and analysis in the context of the recommendations, to see if, in the missions so far mandated, more could be done to implement them. We recommend that the Council presidency organize consultations on these aspects to make progress in moving from, as the Deputy Secretary-General said, intention to implementation.

Mr. Kuchinsky (Ukraine): Let me first of all thank you, Mr. President, for the effective organization of today's open meeting and for your consistent efforts to focus the discussions on practical questions related to the issue of the protection of civilians.

I should like also to thank the Deputy Secretary-General for introducing the report and for her useful contribution to this debate. I am particularly grateful to Mrs. Mary Robinson for her statement. We are quite impressed by the work accomplished by the United Nations High Commissioner for Human Rights, and we find it important that the specific problems of civilians in armed conflict are being addressed through the coordination of efforts with other partners within and outside the United Nations system.

The Secretary-General's report can, in fact, be a useful source of reference, not only for the Security Council but for other United Nations bodies in their consideration of this issue within their respective competencies and areas of responsibility. This should be carefully taken into account by the Council when considering follow-up steps and future actions on this matter. It is obvious that the mandate of the Council does not allow it to embrace all aspects of the activities related to the protection of distressed populations in times of war.

That is why a regular exchange of views with other organs of the United Nations system will be crucial to the future success of international efforts in this field. I believe that we can start this process later this week by discussing the relevant issues within the context of our debate with the Economic and Social Council Bureau on the coordination of conflict management. The Economic and Social Council, in fact, may provide us with a fresh perspective on how best the provisions of resolution 1296 (2000) can be implemented and where these two Councils can best assist each other in implementing the relevant recommendations of the Secretary-General. In one example — the recommendation regarding fact-finding missions to conflict areas with a focus on humanitarian assistance — there is ample room for the Economic and Social Council not only to participate in such missions, but also to lead them. I am convinced that similar work could be undertaken with other United Nations organs as well.

We strongly support the Secretary-General in his appeal to the Council to shift the focus of its work to practical measures aimed at the protection of civilians. In fact, the Council has done some important work over the past 12 months to carry out a number of practical steps leading to enhancing such protection, including in the area of peacekeeping operations and sanctions. This work is not over yet. The draft reports of the relevant working groups of the Council are still to be adopted and implemented. We hope that this will be done in the nearest future, which in turn will lead to the implementation of a number of the Secretary-General's recommendations and of the relevant provisions of resolution 1296 (2000).

However, the effective approach of the Council to the issue of the protection of civilians will be safeguarded only when those decisions are routinely applied by this body in the process of its consideration of specific conflict situations on its agenda, whether in Africa, in the Balkans or in the Middle East. At the same time, I wish specifically to point out several other areas outlined by the Secretary-General in his latest report, where, in the view of our delegation, more can be done, including by the Security Council, to enhance the protection of civilians.

One of these is the issue of the separation of civilians and armed elements in camps for refugees and internally displaced persons. We believe that it is important for the Security Council to develop clear criteria and procedures for the separation and identification of armed elements and, while contemplating specific peacekeeping or peace-building measures, to consider sending military monitors or units to major refugee camps and areas in order to assess the situation on the ground, to protect civilians in the camps and to prevent the deterioration of the security situation in the region. The effectiveness of such measures can be enhanced if they are undertaken in close cooperation with the host country and regional organizations concerned.

Another useful recommendation that deserves positive consideration by the Council, in our view, is on the need to establish, during the crafting of

peacekeeping mandates, arrangements to address impunity and for truth and reconciliation. We believe that these tasks can be practically incorporated into the mandates of United Nations peacekeeping operations.

Finally, the last question you addressed in your opening remarks, Sir, concerning

> "what pressure can be brought to bear on the parties to conflicts, including non-state actors, to live up to their moral and legal responsibilities to afford protection to civilians" (*supra*),

is probably the most difficult one. The Secretary-General very clearly describes the existing problems in this area and we cannot but agree with the recommendations he presents in this regard. However, when it comes to non-state actors and the problem of their engagement in a dialogue, one should recognize that there is probably no satisfactory solution at the moment, especially in situations where armed groups operate not as an organized military force with clear political objectives, but rather as gangs of criminals profiting from the lack of security and from general instability. They are most often responsible for targeting civilians and for committing the most unspeakable crimes against them. These groups represent a real challenge to Governments, humanitarian agencies and, of course, the Security Council. We welcome the intention of the Secretary-General to ask the Inter-Agency Standing Committee to develop a manual of best practices for engagement with armed groups. We hope that this work will lead to some effective approaches in this regard in the future.

In conclusion, I think that the proposal made by Mrs. Mary Robinson to provide the Council members with additional briefings — specifically on the results of human rights fact-finding missions, on human rights mechanisms reports and so on — deserves our full endorsement.

Mr. Mejdoub (Tunisia) (*spoke in French*): Three years ago, the Security Council decided to attach greater importance to the question of the protection of civilians in armed conflict with a view to the maintenance of international and regional peace and security. One presidential statement and two resolutions bear witness to that.

On the ground, unfortunately, the reality is entirely different. As the Secretary-General has noted, the fate of civilians at risk has not improved at all. Clearly, there is a need to pursue our efforts, in particular by adopting more specific measures effectively to improve the lot of civilians in armed conflict. Against this background, I wish to make a few comments on the basis of the very useful recommendations made by the Secretary-General in this and last year's reports.

I will first address the question of access to civilians. Humanitarian assistance to meet the most urgent and immediate basic needs of civilians has the greatest possible impact on them. Thus, the international community must maintain its efforts in the area of the access of civilians to such assistance and of access with adequate security for international humanitarian personnel.

Accordingly, we agree with the Secretary-General's assessment and directions concerning a greater role for humanitarian assistance agencies. We must define clear conditions for the engagement of these agencies, prepare a common strategy for negotiation between them and the parties involved, and adopt a coordinated approach in their policies and activities. We encourage the immediate implementation of these measures. We also welcome the Secretary-General's initiative, laid out in paragraph 26 of his current report, on developing a manual on criteria for the engagement and disengagement of aid agencies.

Given its responsibilities, the Security Council is also involved in the question of facilitating access to civilians. In last year's report, the Secretary-General offered some important recommendations in this respect. He provides new ones in the most recent report. We support them because they encourage the Council to undertake an active dialogue with the parties to a conflict and because they call for fact-finding missions to conflict areas in order to identify precisely the needs in humanitarian assistance, including access to civilian populations.

Secondly, I wish to address the issue of the separation of civilians and armed elements. This is a crucial issue that we must tackle resolutely. The report identifies the many problems created because of infiltration by armed elements into camps and regrouping areas for refugees and displaced persons. These problems can reach such a level that they destabilize some countries and regions, in addition to the many risks they pose for the lives and safety of

civilians, as described in great detail by the Secretary-General.

We welcome the measures outlined in paragraphs 35 and 36 of the report, in particular the agreement between the Department of Peacekeeping Operations and the Office of the United Nations High Commissioner for Refugees. However, this is also an area where the Security Council clearly has a responsibility that it must shoulder. The Secretary-General has made interesting recommendations in this respect, and my delegation endorses them. Recommendation number 35 contained in the 1999 report (S/1999/957) of the Secretary-General, on the deployment of international military observers to monitor the situation in refugee camps, is very relevant, and the Council should accord it full attention.

Thirdly, I should like to refer to the media and information. The importance of this sector in conflict situations cannot be ignored. In resolution 1296 (2000), the Council provided for the possibility of taking action to deal with media broadcasts inciting hatred, crime and genocide. In the current report, the Secretary-General has made a new recommendation urging the media to play a role in encouraging reconciliation and respect for others. Here, I am pleased to support the comments made by Mrs. Mary Robinson, the United Nations High Commissioner for Human Rights, in her outstanding statement.

Fourthly, I should like to refer to the actors involved in the protection of civilians. We share the views of the Secretary-General on the complementary role that can be played by different actors in the international community, including regional organizations, civil society, the private sector, women and young people, with the encouragement and coordination of the United Nations.

Fifthly, we agree on the need to combat effectively all forms of impunity with regard to violations of international humanitarian and human rights law of which civilians in armed conflict are the victims. The recommendations of the Secretary-General aimed at strengthening international action in this respect are very relevant.

The Security Council must now change into a higher gear, focusing more on specific, concrete measures on the ground to improve protection for civilians in accordance with the principles of international humanitarian law and the purposes and principles of the Charter.

As today's debate is thematic and, therefore, of a general nature, I shall not go into detail about the harsh realities facing Palestinian civilians in their day-to-day life in the occupied territories, in particular since last fall. However, it is my duty to stress that, in all respects, the situation of the Palestinian civilians is a clear example of a situation in which the international community must take urgent, resolute and effective action to come to the aid of a civilian population. The duty to provide international humanitarian aid and the requirements of international humanitarian and human rights law, as well as of United Nations resolutions, require the international community to provide Palestinian civilians with the urgent protection that they need to ensure their safety. The Security Council must bear these requirements in mind. Our Council cannot apply a double standard, rushing to help civilians in some parts of the world while disregarding the fate of other civilians in other regions.

We must take a balanced and fair approach to international realities when considering all of the measures that have been proposed. All that is now required is political will.

Finally, I should like to say that my delegation has no objection to the idea of setting up a Security Council working group to study the implementation of recommendations and decisions relating to the protection of civilians with a view to providing the Council with information for decision-making on actions to be taken in the future. We are very happy to support that suggestion.

Mr. Mahbubani (Singapore): Canada should be commended for introducing this issue on the agenda of the Security Council and, in particular, for its contribution to the work on this issue during its presidency of the Security Council in April 2000. We would like to commend you, Mr. President, for organizing this follow-up meeting one year later. We would also like to thank Ms. Fréchette and Mrs. Robinson for their valuable contributions this morning.

As usual, the Secretary-General has produced a good report; we hope that it will be read widely. It is a thoughtful analysis of the political and legal context in which efforts to develop a culture of protection should be made. We would like to highlight for special attention the emphasis placed by the Secretary-General

on the fact that primary responsibility for the protection of civilians rests with Governments, and that, where Governments do not have the resources and capacity to shoulder that responsibility unaided, it is incumbent on them to invoke the support of the international system.

We also recommend that positive consideration be given to the Secretary-General's practical and action-oriented recommendations, in particular those that are targeted at enhancing the capacity of national Governments and the international community to prosecute violations of international humanitarian law; improving engagement by the Security Council and others with a view to obtaining access to vulnerable populations for humanitarian operations; and developing clear criteria and procedures for the identification and separation of armed elements in situations of massive population displacement.

Even if Member States do not have the time to read the full report (S/2001/331), we hope that they will at least read paragraph 67, which describes the bottom line. It states,

> "Some 18 months have passed since I submitted my first report on the protection of civilians in armed conflict. I regret to note that only a few of its 40 recommendations are so far being implemented".

Clearly, the Council will not get a good report card for its work in this area.

You have asked us to be brief and specific, Mr. President. Since we fully support your efforts to make our Council meetings more interactive and constructive, we will be brief and make three points, which hopefully will be quick and punchy.

First, the Council will not be judged on the protection of civilians in armed conflict by the words it produces — many words have already been produced. It will be judged by its deeds. In some areas we have done reasonably well: Kosovo and East Timor. In some areas, we have done badly: Rwanda, Srebrenica and the Middle East. In other areas, the record is mixed: the Democratic Republic of the Congo and Sierra Leone. The first specific suggestion that we would like to offer is a simple one. At the end of each year, the Council should do an objective and impartial audit. In how many conflicts did the Council intervene effectively to save civilians? In how many did it not? The purpose of such an objective audit would be simple: it would remove some of the growing cynicism — cynicism which, I am afraid, is very real — about the value of such open debates on the protection of civilians when the Council fails to respond to specific situations which cry out for effective responses.

Secondly, having just returned from a truly illuminating visit to West Africa — a region which, I note, is referred to several times in the Secretary-General's current report, I have become more acutely aware of the practical difficulties of protecting civilians in many contemporary conflict situations. The Secretary-General's report reminded us that international instruments require not only Governments, but also armed groups, to behave responsibly in conflict situations and to take measures to ensure the basic needs and protection of civilian populations.

Singapore therefore supports efforts by the Secretariat and by other organizations to disseminate information on international humanitarian and human rights law to armed groups, as described in recommendation 10 of the report. But we suspect that there will be great difficulties in bringing such a message to groups that may understand little of the language of logic and reason. When I visited the West African region I was told several times that the Revolutionary United Front (RUF) was led by a group of illiterate, barely educated and often barely sober young men who have had little contact with the civilized world. We need to understand the world as they see it. No rational human being would amputate the hands of innocent civilians, but that is what the RUF did with wild abandon. Why? What drove them to it? Until we understand how their minds work we will not be in a position to deal with them.

Therefore, our second specific recommendation is that we develop a different sub-set of ideas and principles to deal with such groups. Our fear is that, as inter-State conflicts are increasingly replaced by intra-State conflicts, there will be more and not fewer groups like the RUF. In that regard, I am glad that the Secretary-General will be asking the Inter-Agency Standing Committee to develop a manual of best practices for engagement with armed groups, as he notes in paragraph 50 of his report. We look forward to seeing the outcome of such efforts, and we are pleased that the representative of Ukraine also referred to the importance of this issue.

Thirdly, protection of civilians cannot be done with words only. As the then-Foreign Minister of Canada, Lloyd Axworthy, told the Council last year,

> "the protection of civilians requires strengthening our disposition to intervene with force if necessary." (*S/PV.4127, p. 24*)

Fortunately, the international community has demonstrated a willingness to intervene with force, for example in Kosovo and in East Timor. The latter was mandated by the Security Council, the former was not. Clearly, we need to work out clear and definite criteria for such intervention. That will not be easy, as the debate on the question of humanitarian intervention has shown. But the Council cannot avoid dealing with this issue if it is to protect civilians effectively. That is our third specific suggestion.

In conclusion, let me reiterate my delegation's positive reaction to the recommendations in the Secretary-General's report. We look forward to working with you, Mr. President, to find the best and most effective means of putting those recommendations into effect.

Ms. Durrant (Jamaica): Let me begin, Mr. President, by thanking you for organizing today's open debate on the protection of civilians in armed conflict and for providing yet another opportunity for members of the Council to exchange views with the wider membership of the United Nations. We wish to thank the Deputy Secretary-General for introducing the Secretary-General's report (S/2001/331). We welcome the United Nations High Commissioner for Human Rights and thank her for identifying areas of common concern to her Office and to the Council. My delegation thanks her for her offer to brief the Council on actions by the Commission on Human Rights on gross violations of human rights during armed conflict.

While several important initiatives have been undertaken by the Security Council since the Secretary-General's last report (S/1999/957), we have an obligation to acknowledge and formulate practical measures to address those commitments which have yet to be acted upon. The Council must continue, in the first instance, to encourage Member States to fulfil our responsibilities for the protection of civilians, to assess ways of improving cooperation between the Security Council and other bodies of the United Nations system, and to adopt a way forward that can generate the political will and the resources required.

As a first step, the Council has to follow up on commitments for the protection of civilians on a more regular basis. We thank the Permanent Representative of Tunisia for supporting the suggestion that the Council establish an informal working group to explore ways to integrate civilian-protection issues into the Council's work. In that regard, my delegation believes that a checklist should be developed for consideration when the Council is drafting resolutions and elaborating peacekeeping and peace-building mandates.

We support the emphasis placed in the Secretary-General's report on coordination between the Security Council and other organs of the United Nations, including the use of the monthly meeting between the Presidents of the Security Council and of the General Assembly. The Council's meeting later this week with the Economic and Social Council will also provide a useful starting point for collaboration between the Security Council and the Economic and Social Council.

One issue that has already been mentioned by previous speakers is the importance of ensuring respect for the rights of civilians among armed groups and non-State actors. The Security Council, we believe, must build on its efforts to engage those groups in dialogue. It must consistently urge them to commit themselves to the standards contained in international humanitarian and human rights law and must put constant pressure on them to accept and cooperate in the monitoring of adherence to those standards. They must understand that there can be no impunity for actions against civilians that are contrary to international norms.

In that regard, my delegation emphasizes the need for support, both financial and political, for the establishment of a special court for Sierra Leone.

While we recognize the difficulty of applying the legal regimes at our disposal to non-State actors, this is an area requiring serious study to explore possible solutions.

Next, my delegation believes that building strong partnerships with the private sector, non-governmental organizations and civil society will enhance levels of protection. Non-governmental organizations and other civil-society organizations have an indispensable role to play in shaping the agenda for the protection of civilians. Their contribution can be particularly critical in developing operational programmes on the ground

and in serving as important sources of information. I would wish to emphasize that this includes not only international non-governmental organizations but, more important, non-governmental organizations operating at the regional and national levels. We would suggest that greater use be made of Arria formula meetings in facilitating this dialogue. Strengthening the work of the Inter-Agency Standing Committee is also important in identifying ways of building on the complementarity between the United Nations and other organizations.

Thirdly, regional organizations should be encouraged to make the protection of civilians an important part of their own agendas. The Council should establish a proper mechanism for regular exchange to foster greater cooperation with regional organizations for the protection of civilians. Future high-level consultations between the United Nations and regional organizations should be used to develop cooperative efforts for this. I would also suggest that we use specific cases when we meet, for example, with ministers from the Economic Community of West African States or from the Lusaka peace process. Another area that requires attention is the controlling of small arms through collaborative mechanisms with regional organizations.

Fourthly, the Council must improve its efforts to investigate, prosecute and sanction individuals and corporate enterprises involved in the illegal exploitation and sale of natural resources and other resources that exacerbate armed conflicts.

The Council must therefore not only continue to investigate the linkages between illicit trade in natural resources and the conduct of war, but also begin to develop approaches, including the use of appropriate incentives and disincentives, in collaboration of other organs of the United Nations, to encourage a culture of corporate social responsibility among the business community. In this regard, the steps already taken by the Secretary-General to establish a Global Compact with the business community could be used.

Fifth, the Security Council should ensure not only that peacekeeping operations include specific and clear mandates for the protection of civilians, but also that these mandates include monitoring and reporting on their protection. In addition, the Council should continue to stress, as has been done in earlier resolutions, that peacekeeping forces must be appropriately trained in international humanitarian and human rights law to ensure that the rights of civilians are fully respected.

Sixth, when imposing sanctions, the Council must improve its efforts to develop a coordinated and integrated approach to minimize unintended consequences for civilian populations, including practical policy changes to improve design and implementation. The Council should consider authorizing assessment missions to targeted States and neighbouring countries before the imposition of sanctions. Every effort must be made to establish effective monitoring measures and to assess the likely unintended consequences. We would therefore support the establishment of a permanent technical review mechanism.

Seventh, the Council must ensure that the momentum already gained in advancing the special protection and humanitarian needs of vulnerable groups is maintained. Special attention must be given to involving women in determining protection strategies, as well as in negotiations of peace agreements. In this regard, we look forward to the reports coming out of last year's resolutions on children and armed conflict and on women, peace and security.

The best protection for civilians is the prevention of armed conflict. The Council should give consideration to the deployment of preventive peacekeeping operations or other preventive measures. Prevention has not been used sufficiently by the Council, although we all agree on its value in reducing the possibility of civilian crises. It would be useful for the Council to have a study of lessons learned in preventive operations, and we hope that these will be incorporated in the report of the Secretary-General on the prevention of armed conflict, expected next month.

In Jamaica's last statement on this issue, in April 2000, we stressed that improving the environment for the safe and secure provision of humanitarian assistance to individuals in need is also a major challenge. Attention to legal and physical protection for United Nations and other humanitarian workers should be revisited as a matter of urgency by the Council in the light of ongoing incidents of abuse and killings in several conflict areas.

The Council should systematically urge parties to conflicts to make special arrangements to meet the protection and assistance requirements of civilians. In

this regard, the protection of children is of major concern. Recommendations have been made by the Secretary-General, for example, for the establishment of "days of immunization", security zones and safe corridors. These still have to be given the attention they deserve by the Council.

The problem of hate media is also a matter of serious concern that was addressed by the High Commissioner for Human Rights. The Council should, where possible, ensure that peacekeeping and peace-building operations are authorized and equipped to monitor hate media. Media must be used to increase awareness in the area of human rights and international humanitarian law and to influence attitudes of belligerents and other non-State actors, as well as of the population affected. We believe that it is important to develop closer collaboration between the Departments of Public Information and of Peacekeeping Operations to ensure that this can be suitably implemented.

In conclusion, my delegation believes that the clear connections between human suffering, systematic and widespread violations of the rights of civilians and breakdowns in international peace and security warrant not only keeping this issue at the forefront of the Council's agenda, but also taking decisive action. Only when we have developed a culture of prevention, as well as a culture of protection, will we be able to fulfil the requirements of the Security Council's mandate.

Mr. Levitte (France) *(spoke in French)*: Thank you, Mr. President, for having organized this debate. Mary Robinson has expressed brilliantly what we are all thinking. I fully subscribe to what has been said by previous speakers.

The Ambassador of Sweden, speaking on behalf of the European Union, will make the general comments called for by the two Security Council resolutions that we have already adopted and the two reports of the Secretary-General on this important topic.

Rather than repeat what earlier speakers have said around this table today, I would like to try to think with my Council colleagues about how the principles that brought us together today can be applied to a specific issue. I am thinking of the conflict in the Democratic Republic of the Congo. Why is this? Because we are in the process of deploying contingents there right now, and the Security Council is going to carry out an important mission there at a crucial moment. Also, because that is, without a doubt, one of the deadliest conflicts for civilians. According to estimates of observers, there have been between 1 million and 2 million civilian victims. How, specifically, when confronted with this tragic situation, can our Council better ensure the protection of some 50 million Congolese citizens, particularly those living in the areas of conflict? This is a very concrete problem that faces us, and we must bear in mind the limitations of the mandate that our Council has given to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). The limits are particularly narrow, but I am convinced that we can do better and more than we have done so far.

How can this be brought about? Our goal is to restore peace, territorial integrity and sovereignty for the inhabitants of the Democratic Republic of the Congo. From this point of view, it is clearly important not to stop with disengagement but to move towards the withdrawal of foreign troops and the demobilization of negative forces, and to put an end to the pillaging of the natural resources of that country.

Specifically, in order to provide protection for the civilian population, over and above putting an end to the fighting, there are things we can and must do. I think that the first thing is to strengthen the international presence charged with observing and investigating the facts on the ground, including, unfortunately, the massacres, particularly in the eastern part of the country.

From this perspective, there is one man who is already doing a great deal, Mr. Garretón, whom Mrs. Mary Robinson mentioned. We should hear him a third time before going to the field because his testimony before our departure would be extremely valuable, and he must be given the means to visit the area more often. It is not right that the Geneva office not be in a position to fund more visits by Mr. Garretón to the field.

Beyond the work done by Mr. Garretón, a second thing we can and should do is to encourage non-governmental organizations and all other actors that can, through their presence in the field, contribute to an awareness of events. In that regard, I would like to pay tribute to Human Rights Watch, which has done a tremendous job. There is no substitute for exposing concealed crimes.

Thirdly, we must no doubt strengthen the presence of human rights specialists within MONUC. Mary Robinson has said the same, and she is quite right. There are not enough MONUC personnel to carry out every aspect of the mandate we have entrusted to them, especially as the mandate does not allow the soldiers and observers we are sending to the field to take the time to look into the human rights situation in depth. We must therefore endow MONUC with a rapidly growing number of observers whose sole mandate is to monitor the human rights situation.

Finally, I believe that we should not rule out the possibility of bringing to justice those responsible for the most significant crimes and massacres that have taken place in that unfortunate country. Will it be necessary to set up a special tribunal, as in the case of Sierra Leone? Should we follow the Cambodian example? I would tend to be inclined to follow the Cambodian model, but this is a matter that we will have to be consider once we are in the field: how to provide justice to the Congolese people and how to bring to justice the perpetrators of the most significant crimes against the civilian population.

Beyond these actions sharply focused on protecting civilians and providing them with justice, there are two other actions we must take. The first is to develop economic projects with the involvement of the MONUC contingents, and the second is the development of humanitarian activities. In that regard, before departing we will have to listen to the recommendations of Mr. Oshima, who is present here.

Finally, a difficult topic we will have to address is the question of how to administer areas of the Democratic Republic of the Congo that have been evacuated by foreign troops. This is a question we will have to ask ourselves, and one that we will have to raise in particular with the political actors in the Democratic Republic of the Congo. It is also a question those actors will have to deal with on a priority basis in the context of their national dialogue.

These are a few specific points illustrating that it is only one step from principle to action, a step that we will be taking in our upcoming visit to the Democratic Republic of the Congo.

Mr. Wang Yingfan (China) (*spoke in Chinese*): At the outset, I wish to thank the Secretary-General for his report. I also want to express my appreciation to Deputy Secretary-General Fréchette and Mrs. Robinson for their statements.

In some regions of the world there are still ongoing armed conflicts causing untold suffering to millions of civilians, especially women and children. Finding practical and effective solutions to this issue has therefore become a widespread concern in the international community. In this regard, I would like to make the following three points.

First, the Security Council bears the important responsibility of maintaining international peace and security. Naturally, it therefore attaches importance to the protection of civilians in armed conflict. As far as the Council is concerned, the most fundamental and effective means to protect civilians in armed conflict is conflict prevention. Where conflicts do take place, the earliest possible solution should be found.

In this connection, further detailed studies on some of the recommendations contained in the Secretary-General's reports could be conducted, with a view to seeking appropriate and pragmatic solutions. In its discussions of the relevant contents of the Brahimi report, the Council may also explore ways to better integrate peacekeeping efforts with the protection of civilians in armed conflict. Other United Nations bodies could play their appropriate roles in a coordinated and concerted manner and adopt an objective and practical approach to this issue.

Secondly, the primary responsibility for the protection of civilians lies with the Governments concerned, although efforts by the international community are also crucial. Apart from the United Nations, regional and intergovernmental organizations are also playing an increasingly important role. The United Nations therefore needs to strengthen its coordination with them. At present, more and more non-governmental organizations (NGOs) have been actively joining in humanitarian efforts in many regions of conflict. The positive role played by NGOs and civil society in the regions and countries concerned deserves our recognition and encouragement. At the same time, there being so many NGOs, their activities also need to be properly regulated and guided so as to make the collective efforts of the international community more rational, coherent and effective.

Thirdly, it is relatively easy to reach consensus when discussing this issue in general terms. However, in addressing specific issues the situation sometimes is

much more complex, and difficulties and obstacles can be remarkably huge. For example, the Security Council has failed to promptly adopt necessary measures concerning the protection of civilians in the occupied Palestinian territories. There are numerous similar cases in the African continent. In cases such as those of the Mano River and Great Lakes regions, the lack of political will is often a formidable obstacle to prompt action and the prevention of humanitarian crises.

As another example, in Kosovo, as well as in the entire Federal Republic of Yugoslavia, certain aspects of the task of protecting civilians are still very difficult. In particular, the large-scale military action two years ago against the Federal Republic of Yugoslavia inflicted serious damage on the economic and social life of its civilians. As a result, its national economy has fallen years behind. In this context, an objective review of the protection of civilians that is responsible to history needs to be carried out.

Moreover, another well-known fact is that protracted sanctions have caused enormous harm to civilians. Although some of the civilians concerned are no longer under the scourge of war, their humanitarian suffering reminds us that their urgent need for protection should not be neglected.

We hope that the two reports of the Secretary-General and the discussions now taking place will serve to deepen our understanding of this issue and contribute to the rejection of views and positions that are inconsistent with the purposes and principles of the Charter and contrary to the will of the majority of Member States, so that the United Nations and the Security Council will be able to live up to the high expectations of the international community regarding the protection of civilians in armed conflict.

The President: After I give the floor to the representative of the United States, I shall turn to the High Commissioner for Human Rights to pick up some of the points that she has noted so far.

Mr. Cunningham (United States of America): I wish to thank you, Mr. President, Deputy Secretary-General Fréchette and High Commissioner Robinson for their statements.

My Government has long believed that the safeguarding of civilians from the devastating effects of armed conflict is at the very heart of the United Nations Charter. In examining this complex and difficult issue, we look at an array of instruments to deal with the challenge before the Council. Regrettably, the goal of protecting civilians caught between warring parties often eludes us, and a number of speakers have illuminated why that is so. I think that it is helpful to look at several specific situations, such as the tragic situation in the Democratic Republic of the Congo; Ambassador Levitte did a good job of outlining the complications there. We see that Congolese civilians need protection from foreign groups such as the former Rwandan armed forces members (ex-FAR), Interhamwe, UNITA and the Front pour la défense de la démocratie (FDD). They also need protection from indigenous Congolese militias such as the Mai-Mai. Congolese civilians also, unfortunately, need protection from some of the signatories to the Lusaka Ceasefire Agreement. This means that they need protection from some of our very partners in the peace process.

United Nations peacekeeping cannot substitute for the protection of the rule of law, which is the essential element for real protection. At most, it can provide a protective temporary umbrella for some civilians for some of the time a conflict rages. For example, the Government and people of Sierra Leone are looking to the United Nations Mission in Sierra Leone (UNAMSIL). But UNAMSIL cannot protect the people of Sierra Leone against the depredations of a murderous insurgency. It will, however, help extend the authority of an elected Government to all parts of its territory.

Countries such as the Democratic Republic of the Congo and Sierra Leone need, above all, the restoration of legitimate and effective national authority. Our fondest wish would be that this Council could protect all those who are subject to insurgencies and — yes — Governments that prey on their own people. While it cannot, there is much more than we can do to help achieve that goal. The Secretary-General has made a number of recommendations, and they are already affecting our work and the work of the United Nations. I also note that resolution 1296 (2000) is also contributing to change. While none of these recommendations or the resolution can simply be implemented in and of themselves, the recommendations and sentiments that we have adopted are helping, and specific elements, for instance, have been applied to the situation on the border of Sierra Leone and Guinea.

Resolution 1296 (2000) also invited the Secretary-General to share with the Council information about possible threats to civilians, denials of humanitarian access and violations of the civilian nature of refugee camps. Indeed, the Council is now hearing and gathering more of this type of information. We encourage the Secretary-General regularly to include this information in his periodic written reports to the Council and to make more information available through briefings from the Under-Secretary-General for Humanitarian Affairs or the High Commissioner for Refugees, through the briefings we also receive from officials recently returned from trips to conflict areas, and in the oral updates we regularly receive from the Secretariat.

Additionally, it should be a priority, in the event of a Security Council mission, to see firsthand the impact of a conflict on the civilian population, with an eye to gaining wide access to, and promoting safety for, vulnerable civilian groups. The more the concept of protection of civilians is mainstreamed into the work of the Secretariat and the Council, the more a "culture of protection" will be fostered, and the more frequently that case-specific action may be possible.

The Secretary-General quite rightly focused on the promotion of a "culture of protection" in his report of 30 March. We strongly applaud the report's support for continuing efforts to prosecute those accused of crimes against humanity or other serious violations of international law. We are pleased that in the past year there has been enormous progress in this area, including the Council's decision to create a pool of ad litem judges for the International Criminal Tribunal for the former Yugoslavia, to increase the number of judges for the International Criminal Tribunal for Rwanda, and to establish a special independent court for Sierra Leone. We hope to see continued nominations of talented jurists for vacancies at the international Tribunals and urge moral and financial backing for the special Sierra Leone court.

The United States also supports the Secretary-General's recommendation that armed groups be pressured to comply with fundamental rules related to the protection of civilians during armed conflict, and to ensure access of humanitarian assistance to civilians. This is a key element which is growing in relevance to the conflicts that we are dealing with. The international community, through the United Nations, through bilateral channels and through the International Committee of the Red Cross, can assist in building local capacity to integrate international humanitarian law into the national legal frameworks that are being developed.

The United States is ready to add the Council's weight to the efforts of the Secretary-General, the Emergency Relief Coordinator, the Special Representatives and the United Nations humanitarian coordinators with local leaders to ensure safe and unimpeded humanitarian access to civilians. We count on each Special Representative to consult with the United Nations Humanitarian Coordinator and humanitarian agencies and to raise issues of responsibility to protect civilians.

The Secretary-General correctly points out that the identification and separation of armed elements from displaced civilian populations are difficult and delicate tasks. We encourage the Department of Peacekeeping Operations to work closely with the Office of the United Nations High Commissioner for Refugees and the Office for the Coordination of Humanitarian Affairs to develop clear criteria and procedures to accomplish this critical task.

We also welcome the Secretary-General's recommendation that every peacekeeping mission include a mechanism to monitor local media for hate-mongering. Any threat to civilian populations created by such activity must be expeditiously addressed by the peacekeeping mission and humanitarian actors.

In closing, the United States reiterates its support for the Secretary-General's efforts to protect civilians in armed conflict and renews its support for resolution 1296 (2000). We encourage the Secretary-General and other key actors in the United Nations system to continue the dialogue on how United Nations organs can better work together to promote protection and to present country-specific recommendations for the Council's consideration.

The President: I give the floor once again to Mrs. Mary Robinson, High Commissioner for Human Rights.

Mrs. Robinson: I must say that it has been a rich debate and very instructive to listen to the very specific proposals put forward. I would welcome the opportunity to respond briefly to some of these suggestions. A number of them were repeated by members of the Security Council.

I should like to begin with the points made by the representative of Bangladesh, who began by referring to the importance of prevention, and I think that is a theme that others took up. It was also the subject of a report that I made last year to the Commission on Human Rights, setting out, from a human rights perspective, the different ways in which we can add to a debate on prevention. I would recommend that as a source, perhaps, to look at.

The representative also talked about possible mediation by high-level personalities. I would suggest that, if there is to be mediation, it should draw on the work of country or thematic rapporteurs, the present work of our Office or components of peacekeeping, and have this material in relation to any attempts at mediation.

Reference was made by a number of representatives to the debate with non-State actors. Again, our offices on the ground are involved in a debate with non-State actors, and we would be very happy to share some of this experience, if it could be helpful. One of the areas that we are seeking actively to make progress in is to use the approach of trying to get non-State actors to subscribe to basic international human rights and humanitarian law. We succeeded in some part with a manifesto on human rights in Sierra Leone, and the Revolutionary United Front (RUF) also subscribed to this.

We are very keen now, in the context of the Democratic Republic of the Congo, and perhaps during the seminar on human rights that has been proposed for the month of May, to have a human rights text that all parties could subscribe to as a basis for moving forward. We have also been encouraging this in the context of Colombia — that the different state and non-state actors would subscribe to a text of international human rights and humanitarian law. We would certainly be happy to share those experiences.

In relation to the contribution of the representative of Ukraine, I would also, as he does, welcome the forthcoming discussion with the Economic and Social Council Bureau and wider linkage within the system, which is another innovation of the Security Council that I very much welcome. He and a number of other contributors referred to the separation of refugees and armed elements in camps. Obviously, this is a key recommendation, but it also brought to my mind the role and discussion that we are having now in the Inter-Agency Standing Committee on protection of internally displaced persons. This is being held with the Special Representative of the Secretary-General, with Special Coordinator Dennis McNamara and with the different agencies, because we recognize so many gaps in the protection of internally displaced persons and that we must work with the Governments in the context of internally displaced persons. Perhaps the Security Council should be more aware of this intensive debate that has been taking place, at very regular intervals now, in the context of the Inter-Agency Standing Committee.

The representative of Tunisia referred to the importance of media and of having a code of ethics or a way of controlling and curtailing hate speech. We will be looking at this, as I said, in preparation for the Durban World Conference against Racism. He also referred to the question of a working group, if that emerges from this discussion. I would simply say that, if there is a working group or a task force, we in our Office would certainly wish to offer any support of a practical nature to that working group and to interact with it.

I was interested in the innovative idea of the representative of Singapore concerning the possibility, at the end of a given year, of some kind of objective audit on the number of conflicts on which it had been possible to have some impact. Again, in gathering in or looking at that audit, I think it would be appropriate to look to the work being done on the ground, especially in relation to links with armed groups and attempts to have them adhere to international human rights and humanitarian standards. Also, obviously, he made reference to the proposed manual of best practices of the Inter-Agency Standing Committee. We would hope to make a significant contribution to that.

The representative of Jamaica referred to the "Arria formula" meetings. I was very pleased that she did, because we in the human rights community have greatly welcomed the fact that the Security Council has been hearing, in particular, Mr. Garretón, the Special Rapporteur for the Democratic Republic of the Congo. I would urge that there be wider use made of the experts, the special rapporteurs and special representatives. She also referred to the issue of hate speech and to the need to monitor the media. Again, I look to the World Conference and its practical measures as being a way to have a whole range of

issues that can be addressed to combat this new form of communicating racism and stirring up ethnic conflict.

The representative of France focused in particular on the situation in the Democratic Republic of the Congo. This gives me an opportunity to really emphasize the resource of the work of our Office on the ground, both in Kinshasa and in Goma. When I was there last October, I was really impressed by the work that can take place in situations of quite serious conflict, especially the linkages and support for human rights non-governmental organizations and their very close working relationship with the United Nations Organization Mission in the Democratic Republic of the Congo. I hope that, in the opportunities that are now opening up, we can reinforce the work of our Office and that it can be more known to and drawn upon by the Security Council in its assessment of the situation and in the role of enhanced peacekeeping in the Democratic Republic of the Congo.

The representative of China again emphasized the role of prevention. I must say that I am very glad to see this so high among the priorities. If we are going to link all of the elements and resources, this requires a comprehensive role and the human rights community does have a lot to offer in that regard. He also referred to the impact of sanctions. There again, there is some study by some of the human rights committees of the impact of sanctions. If the Security Council is discussing this issue, I think it should look into the information on sanctions, which we would be happy to provide.

The representative of the United States referred in particular to the situations in Sierra Leone, in the Democratic Republic of the Congo and, indeed, in West Africa. Again, I think we have missions that have just taken place, including the particular mission to West Africa, which I believe are an important resource for the Security Council and for the human rights community. As I understand it, there is a proposal for a possible office in West Africa, which I feel would need to have a strong human rights component because of the subregional human rights issues that need to be addressed. Reference was also made to the Sierra Leone Special Court. This Special Court sends enormously important signals in that subregion. I believe it is vital that the Security Council find the means for effective financial resourcing and support for that Court because of its important signal of really tackling impunity and what can be built on in relation to it.

I have to say in conclusion that it is very instructive from my point of view to see how practical the contributions have been from the members of the Security Council. I am very encouraged by this and it confirms that making a closer link with Geneva and the human rights machinery makes every sense in this context.

The President: I fully agree with what the High Commissioner has said.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): We are grateful to the Secretary-General for his report, to Deputy Secretary-General Louise Fréchette for introducing it and to High Commissioner Mrs. Robinson for her participation in this meeting.

In the Millennium Declaration, the heads of State undertook to

> "expand and strengthen the protection of civilians in complex emergencies, in conformity with international humanitarian law". (*resolution 55/2, para. 26*)

Thus, it is not by chance that we are discussing these issues today.

Over the past 50 years, a great number of international instruments have been adopted on human rights and international humanitarian law, and yet entirely innocent civilians, including children, women, the elderly, refugees and humanitarian personnel, continue to suffer in the course of armed conflict. It is clear that, in this situation, additional emergency measures are needed at the national, regional and international levels, primarily in the context of coordinating efforts. This is a point that you, Sir, and Mrs. Robinson have addressed, as have my colleagues.

We welcome the Secretary-General's two reports, in which he has sought to analyse the reasons for the violation of the norms of international humanitarian law in armed conflict and to offer recommendations on strengthening the protection of civilians. Many of his proposals are in line with our position, such as those on additional protection for specific sectors of civilians, primarily children, and on the importance of national and, where necessary, international criminal prosecution of those who have committed crimes under international law, inter alia, through the future

International Criminal Court. I would recall that Russia signed the Statute of that Court during the Millennium Assembly.

At the same time, as many of my colleagues have said, we believe that the one fundamental way to protect the civilian population would be simply to eliminate war from society — to prevent and halt conflict. That is the thrust of the concept of strategic stability proposed by the Russian Federation during the Millennium Assembly. Nobody questions the fact that an effective and appropriate international response to any crisis, including a humanitarian crisis, is essential. Such a reaction must be based on respect for the norms of international law and the provisions of the Charter. It also presupposes — this is a point that that has already been made today — the primary responsibility of the Security Council for the maintenance of international peace, the full implementation by States of the rules of international comity and respect by all the parties to a conflict of the norms and principles of international law, including humanitarian law.

Indeed, it is precisely the States and parties involved in an armed conflict that bear the primary responsibility for providing civilians with protection. International efforts by the General Assembly, the Security Council, the Economic and Social Council and other bodies within the United Nations system can have an additional positive impact in this respect. But it is important for all efforts to be properly coordinated so that, in the area of protecting civilians, as in other matters, there is full respect for the division of labour, pursuant to the Charter and other international legal instruments.

In order to enhance the effectiveness of the Security Council's work in this area, and bearing in mind the recommendations made by the Secretary-General, we consider it important for the particular features of each specific armed conflict to be taken into account to a greater extent and, on that basis, for measures to be taken to protect civilians. The mechanism for the Council's interaction with representatives of regional and subregional organizations must be improved on the basis of the principles of the Charter of the United Nations, particularly those set out in Chapter VIII. I should also like to point out that that principle is already being applied in the area of peacekeeping interaction between the United Nations and the Commonwealth of Independent States.

Considerably more could be done by States to improve their national legislation and to publicize information about international humanitarian law and the need for full respect for the provisions of the Charter of the United Nations, Security Council decisions, human rights standards and the norms and principles of international law. Member States and the Secretary-General might perhaps report more quickly to the Council any information that they have about situations that could create a threat to international peace and security, including cases of deliberate refusal to provide safe and unhindered access for humanitarian personnel to civilians in need and gross violations of human rights, where they may constitute a threat to international peace and security.

We hope that today's discussion will help to improve the work of the Security Council and that of other agencies and structures in protecting civilians and that it will provide an impetus for further positive progress in this area.

With regard to the question about how the Security Council might specifically contribute to this matter, we believe that there are three ways in which we could move forward. The first could be to continue discussing the general principles, seeking, in this context, a mechanism for improving coordination with other United Nations bodies, while, of course, respecting the individual competency and terms of reference of each. That would be useful, though not enough in itself.

The second path could be to make use of discussions such as today's debate so as to consider the various individual situations in any given country. That would make our discussions more specific, but they would still not be sufficiently focused. Since certain specific issues would be raised within the context of a general debate, we would not really move towards resolving individual questions.

The third path would be to take it as a rule that the principles and ideas that nobody disputes should be applied at the practical level every single time we discussed a specific item on the agenda of the Security Council on the situation in any given country. Of course, we are far from being able to achieve this every time. Examples have been provided today, by the Permanent Representative of China and other colleagues, and this third path is much more difficult to follow. But if we do not try to follow it, the Security

Council will hardly be able to discharge its responsibilities under the Charter.

The President: Members and non-members of the Council should expect the meeting to be suspended at 1.15 p.m. and to be resumed at 3 p.m. promptly.

Mr. Ryan (Ireland): The Secretary-General's report represents a challenge to the Security Council, to the United Nations system and to the wider international community, which requires action-focused responses. The Secretary-General presents a compelling case for a culture of protection for civilians in armed conflict. We know only too well that conflicts are increasingly internal, rather than inter-State. Article 3 common to the four Geneva Conventions remains of singular importance in this regard. Civilians are frequently the principal object of violence rather than incidental victims. The shocking number of civilian victims in recent conflicts adds urgency to our work here today. As High Commissioner Robinson said earlier, civilians look to the United Nations to help them. She also said that victims are often denied the right to be heard. We must therefore move beyond rhetoric to specific action.

The Secretary-General is absolutely correct in demanding that we implement the action which he has recommended and which we ourselves agree is required. The Security Council must act within the terms of its own mandate and capabilities, but we must cooperate proactively with the rest of the United Nations system and the wider international community to ensure a fully coherent and effective response.

You, Mr. President, have rightly asked that we take an action-oriented approach in our statements today. In support of that, I will make some specific observations and related proposals, adding that Ireland fully associates itself with the statement that will shortly be made by Sweden on behalf of the European Union.

First, Ireland reaffirms the need for all States to comply strictly with their obligations under international law. National Governments have primary responsibility for ensuring the protection of civilians — both their own citizens and refugees within their borders. They must observe international instruments providing for humanitarian access as an inviolable right of those adversely affected in conflict situations. This is a frequently repeated mantra, but the core message must issue unambiguously from our deliberations.

Secondly, we must address the growing need for humanitarian agencies to deal directly with armed elements in a conflict situation in order to secure access to refugees and internally displaced persons in need of aid. No matter how diverse the circumstances of conflict situations, there are certain basic guiding principles relevant to all agencies. Agencies in such difficult situations need to preserve the perception of their neutrality and to avoid provocation by the armed groups in question by ensuring absolute transparency in their work. They must also achieve the sometimes very difficult objective of avoiding being played off against each other by their interlocutors.

The report rightly asserts how essential it is to develop more coordinated and creative approaches to access negotiations, for example, by pooling agency interests consistent with their mandates, and by agreeing on mutually complementary sectoral negotiations. We welcome the action of the Secretary-General in requesting the Inter-Agency Standing Committee to develop a manual for access negotiations and strategies, including benchmarks for engagement and disengagement. This is an area of enormous practical importance, and we look forward to progress here.

Thirdly, the Secretary-General draws attention to the actual and potential further effects of the presence of armed elements among civilians in refugee camps. Failures to deal with this issue have had disastrous but predictable consequences. The Secretary-General's report points to a number of practical difficulties and makes a number of important recommendations in this area. We welcome the agreement between the Department of Peacekeeping Operations and the Office of the United Nations High Commissioner for Refugees, of June 2000, to ensure close cooperation on this issue, and their agreement to deploy, as appropriate, multidisciplinary assessment teams to evaluate the situation on the ground in emerging crisis areas. We believe that the development of clear criteria and procedures for the identification and separation of armed elements in situations of massive population displacement should be a core element of any follow-up to this discussion. My conviction in this area is underpinned by my recent visit to southern African States in my capacity as Chairman of the Angola/UNITA sanctions Committee. Here I wish to

echo Ambassador Levitte's concern, in the context of the Democratic Republic of the Congo, about how the dangerous vacuum created by military withdrawal is to be addressed effectively.

Fourthly, the report draws attention to the particular position of internally displaced persons. Internally displaced persons suffer through the failure of their own countries to respond to their needs, and because there is no established system of international protection and assistance for them. Ireland supports strongly the activities of the Special Representative of the Secretary-General on Internally Displaced Persons, Mr. Francis Mading Deng. We welcome the use of the Guiding Principles on Internal Displacement.

Fifthly, we agree strongly with the Secretary-General's observations on the detrimental effects that media can have in fomenting and prolonging conflict, and with his comments on the positive practical role that media can play in building a culture of strong civil society. Ireland has supported the Integrated Regional Information Network, run by the Office for the Coordination of Humanitarian Affairs. We attach particular importance to paragraph 18 of resolution 1296 (2000). Peacekeeping missions should, where appropriate, have a mass media component which can disseminate information about international humanitarian law, human rights law, peace education, children's protection and the activities of the United Nations. The Secretary-General notes that no peacekeeping or peace-enforcement mission has yet been authorized to close down the assets of "hate media". We support action against the instruments of hate media in the context of peacekeeping and peace-enforcing missions. Channels for the dissemination of ultra-nationalistic and ethnocentric hate campaigns are a direct obstacle to the accomplishment of the mission and should be treated accordingly.

In the longer term, there is clearly a need to develop educational systems and syllabuses which inculcate the values of tolerance and shared human rights. This is a challenge not just to national and local authorities, but also to other organs within the United Nations system, including the United Nations Educational, Cultural and Scientific Organization.

Sixthly, the creation and entrenchment of robust legal structures which adequately defend the rights of civilians and act as a real deterrent to potential violators of international human rights law remains a vital component in a global approach to the protection of civilians. While the granting of amnesties in certain very restricted circumstances may, after deep reflection, be warranted, the granting of amnesties from prosecution to those who have committed gross violations of human rights should not be countenanced. We have seen all too clearly that amnesties are not a pragmatic, convenient fix to attain peace and reconciliation but in fact undermine those objectives by emboldening, and often empowering, the transgressor as well as by debilitating the development of the rule of law. Those who commit grave offences under international humanitarian and human rights law must be brought to justice. Ireland has long been an advocate of the International Criminal Court. We urge its coming into operation as soon as possible. I noted Deputy Secretary-General Frèchette's earlier strong emphasis on those points.

In that regard, it is imperative that proper financing be provided to fund ad hoc criminal tribunals from the outset of their operation. Adequate financing is required so that the special court for Sierra Leone established under Security Council resolution 1315 (2000) last year can begin its investigative and prosecutorial responsibilities.

We are hearing today some powerful and convincing arguments and recommendations. We need to follow up on them and on the recommendations contained in the Secretary-General's two reports. Ireland supports the setting up of a working group of the Council charged with submitting to the Council practical proposals for implementing, within the terms of the Council's mandate, such recommendations as well as the commitments of resolution 1296 (2000). One such measure could be the drawing up of a checklist of requirements which could be applied, on a case-by-case basis, depending on the particular prevailing circumstances, to the establishment or renewal of peacekeeping mandates. One concrete example, in Ireland's view, is that all peacekeeping operations should contain a human rights component, funded from assessed contributions. We would also strongly support further reports to the Council by the United Nations High Commissioner for Human Rights, Mrs. Robinson, following important fact-finding missions to areas of major conflict, and would support Arria-formula meetings of Council members being used more regularly in this area.

Finally, I must re-emphasize that the Security Council alone cannot deal with the issue of the protection of civilians in armed conflict. National Governments, the rest of the United Nations system and the wider international community must also work together in a joined-up way. We are making a start here today, and we will have an important opportunity, later in the week, to explore with the members of the Economic and Social Council and other important actors how to ensure a more coherent response to this challenge.

Mr. Valdivieso (Colombia) (*spoke in Spanish*): Incidents of armed violence against defenceless populations exacerbate the vulnerability and poverty in which millions of people live. We wish therefore to join the Secretary-General in calling for a culture of protection in our time, based on the elements he mentions in his report (S/2001/331): strengthened criminal justice systems; regional approaches to the protection of refugees and to monitoring humanitarian situations that could endanger peace; greater guarantees of access by humanitarian organizations to the victims of conflict; and greater participation by civil society, including the media and the private sector, in efforts to create a broad network for the protection of civilians. We agree on the importance of these elements, and we are confident that the United Nations will be able to help consolidate a culture of protection not only at the international level but also at the national level in close coordination with Governments, who bear primary responsibility for the protection of civilians in armed conflict.

In keeping with your suggestion, Mr. President, I shall suggest a number of practical activities by which the Security Council could contribute to the protection of civilians in conflicts of which it is seized.

First, it is crucial that there be proper follow-up of the impact on civilians of all Security Council actions, such as statements on specific situations, the imposition or lifting of sanctions, and the creation, extension or termination of peacekeeping operations. We do not know the real scope of the impact of all such actions on civilians and therefore believe that, in his reports, the Secretary-General could include brief, focused follow-up assessments including the concrete contributions of the Council, along with its errors, failures and limitations, always bearing in mind the views of the States concerned as a form of cooperation with the Organization.

With respect to such assessments, the Security Council must not lose sight of the fact that, as a political body, it has structural constraints on the full consideration of an item that is essentially humanitarian in nature. The protection of civilians is carried out through a variety of activities, including humanitarian assistance, legal protection, and political and economic arrangements, whose implementation goes beyond the Council's capacities. But the essence of humanitarian activity is its neutrality and impartiality; the Council can make an effective contribution to the full protection of those elements.

Secondly, special envoys and special representatives of the Secretary-General should make specific proposals to the Security Council on the item before us today. Their information could, *inter alia*, help us define more precisely the terms of reference of Security Council missions to conflict zones, such as those that will soon be going to the Great Lakes region, Kosovo and Georgia, so that these can contribute to the creation of a political context that fosters the protection of civilians.

Thirdly, the Council should recognize that, in the long term, the most effective way of protecting civilians is by means of a negotiated political solution that puts an end to an armed conflict. In each case, the Security Council should think about the potential for either contributing to or obstructing such a political solution and, therefore, the protection of civilians. In so doing, this organ of the United Nations must consider the protection of civilians as one of the matters for which it is responsible when dealing with a situation that threatens international peace and security. The protection of civilians in occupied territories is a concrete example in which the Council could make a significant difference.

Fourthly, it is necessary that the relationship between the Security Council and the regional organizations include the generation of data about available mechanisms for the protection of civilians. In this context, the Council must bear in mind that many of the regional organizations, in particular those made up of developing countries, labour under great limitations and can be operational in this field only if they are provided with the necessary means. However, the Council must work with sufficient awareness of the national interests of each country in the region in order to avoid unnecessary political tension in handling humanitarian situations.

Another appropriate practical measure would be to invite various actors in international life — Member States of the United Nations, international organizations, members of national and international civil society and private sector actors — to join in this search for ways and means of improving the protection of civilians. In bringing about this level of participation, the General Assembly, the Economic and Social Council and other bodies of the United Nations system seem to have a tremendous comparative advantage over the Security Council, as is also the case in the promotion of social and economic development initiatives in conflict areas with resources from various sources — initiatives that are directed specifically at tackling the sources of the armed conflict and the causes of its continuation.

I would like to make some specific comments on topics in the Secretary-General's report that have particular relevance for Colombia. First, we must recognize the part played not only by the General Assembly and the Economic and Social Council, but also, very particularly, by the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees (UNHCR). Thanks to their great experience, they can contribute greatly at the international political and legal level, as well as in the field.

Secondly, it is indispensable that actions taken by the United Nations in this area, including the determination that a Government is not in a position to protect its civilian population, because of a lack of resources or de facto control over part of its territory, have the consent of the State concerned, in keeping with the specific circumstances in each case.

Thirdly, any action for the protection of civilians must be guided by comprehensive respect for refugee law, in close cooperation with UNHCR, including assistance to displaced persons. The opinion of the UNHCR representative on the effectiveness of the application of refugee law and of the recommendations of the Secretary-General found in paragraphs 34 and 35 of his report, is useful for this debate.

In conclusion, it is important to emphasize, as paragraph 48 of the report has done, that armed groups must comply strictly with the relevant standards of international humanitarian law, and in particular those pertaining to the protection of civilians. As the Secretary-General has so aptly said, it has been demonstrated that these groups misuse their power by attacking defenceless civilians and blatantly disregarding international humanitarian law. We support the prohibition and the appeal that civilians not be treated as targets and that no indiscriminate attacks be perpetrated against them.

Mr. Ouane (Mali) *(spoke in French)*: We are grateful to you, Mr. President, for having organized this open debate on the protection of civilians in armed conflict. We would also like to thank the Deputy Secretary-General, Ms. Louise Fréchette, and the United Nations High Commissioner for Human Rights, Mrs. Mary Robinson, for the important statements they made.

More than a year after the Secretary-General submitted his first report on this important issue and the adoption of Security Council resolution 1296 (2000), it is the right time to do some stock-taking and to look at the gap between the humanitarian diagnosis, which is one of tragedy experienced by millions of refugees and displaced persons, and the political diagnosis, which calls for swift and appropriate action.

The current report of the Secretary-General contains practical and useful recommendations that deserve our full attention and thorough consideration. At this stage, my delegation will not comment on the proposals in detail. Given the guidelines we agreed on in the Council about how to organize today's debate, I would like to focus on the recommendations of the Secretary-General that are regional in their scope.

The first point I wish to make in this connection is that we welcome the importance the Secretary-General has attached in his report to more regular cooperation with regional arrangements and bodies. This is an essential recommendation, because in my delegation's view it provides a kind of framework for testing almost all of the other recommendations made by the Secretary-General. We welcome the decision that the next high-level consultations between the United Nations and regional organizations will focus on the question of strengthening civilian protection in armed conflict.

In this same connection, we believe that it is urgent to implement a regular follow-up mechanism on cooperation between the Security Council and regional organizations. It is essential to provide the regional organizations with material, financial and technical support. For example, it is necessary to give such

support to the Economic Community of West African States (ECOWAS) which, through its Mechanism for Conflict Prevention, Management and Resolution, has established an early warning system to collect and analyse information. The ECOWAS area has been divided up into four areas for monitoring and follow-up, with local offices in Banjul, Gambia; Ouagadougou, Burkina Faso; Monrovia, Liberia; and Cotonou, Benin.

Because one of the best ways of protecting civilians in armed conflicts is prevention, the fight against the proliferation of small arms and light weapons should remain a priority for the international community. From this perspective, the Moratorium on the Import, Export and Manufacture of Small Arms in West Africa, which was adopted by ECOWAS, is a positive initiative that responds to the concerns expressed in the Secretary-General's report, and it therefore should be fully supported.

We believe it useful to disseminate information in local languages about the culture of peace and the obligations incumbent on the parties under international humanitarian law. This could contribute effectively to protecting civilians in armed conflicts.

The second point I wish to make is that Mali believes it essential to make the vulnerability of civilian populations in armed conflict a more important factor in political decision-making. The decision by the ECOWAS heads of State and Government to deploy a multinational force along the borders of Guinea, Liberia and Sierra Leone is based on that belief. This initiative, which is intended to give humanitarian agencies on the ground free and secure access to populations at risk, should also help to separate civilians from armed elements, especially in the Parrot's Beak region. The initiative responds to the concerns expressed in the current report of the Secretary-General and will help to deal with the most devastating humanitarian crisis of the day. It is for that reason that it deserves the full support of the Council.

My third point is that, from a regional perspective, the Secretary-General's other recommendations should be coherently and specifically implemented by all bilateral and multilateral actors, including civil society, non-governmental organizations and the private sector.

Given the massive killings of civilians in armed conflicts, the Security Council has an obligation to act, in the exercise of its primary responsibility for the maintenance of international peace and security. The two reports of the Secretary-General on the protection of civilians in armed conflict and the many relevant proposals made in today's debate offer us guidance for action in this regard.

The President: I am now going to give the floor back to the High Commissioner for Human Rights, as she has to leave us shortly. I shall then finish the speakers' list of members of the Council, and start the list under rule 37 at 3 p.m.

Mrs. Robinson: Again, I note the very specific approach of each of the representatives. I would just like to respond very briefly.

In the case of the representative of the Russian Federation, he placed a lot of emphasis on better coordination in the United Nations system and on a better division of labour in order to secure more effective prevention. Again, I think this seems to be an initiative that the Security Council is really taking, including in the discussions it will be having with the Bureau of the Economic and Social Council. But I would like to link it with the very strong case made by the representative of Mali about the importance of linking, in a resourcing and supportive way, with what regional organizations such as the Economic Community of West African States (ECOWAS) are doing. Certainly, that is our experience in the human rights context — namely, that the subregional framework is a very valuable framework for promoting human rights values, sharing good practices and having a much more effective and concerted approach. This seems to be all the more important and all the more worth discussing, in every sense, in the context of the core issue of protection of civilians in armed conflict.

I very much agree with the points that he made about the importance of the Moratorium on small arms. I think there are not only measures that can be taken in that context, but experiences that can then be used elsewhere. I think the Security Council could play a very important role by reinforcing the capacity of regional organizations and, then, sharing their good practices and building on that in other regions.

In relation to the contribution of the representative of Ireland, in referring expressly to article 3 of the four Geneva Conventions he in fact reiterated the point I made that there are certain indispensable standards that apply to armed groups. I

think that is a way by which it is possible to communicate the important principles and, as has been said, communicate them in local languages and reinforce that they cannot be departed from in any circumstances and that there is a rich jurisprudence in relation to that.

The representative of Ireland referred to the important work of Francis Deng and to the guiding principles. I again refer to the working reality that we are facing of the many gaps that exist in protecting the internally displaced and the important role of the coordinator of the Inter-Agency Standing Committee, Dennis McNamara, in working with Francis Deng, our Office, refugees, the International Committee of the Red Cross, the International Organization for Migration and all the other bodies to try to fill those gaps; because it is our assessment that they still are not appropriately filled.

I very much welcome the reference to the importance of a human rights component in mandates of the Security Council, and that that would hopefully be a funded component. I am certainly very happy to ensure that in any fact-finding that I personally carry out as High Commissioner, or that is carried out by the human rights mechanisms, perhaps more direct ways are found of ensuring that the Security Council gets that information as soon as possible and in the most direct way. If there is a task force established, maybe we could talk about methods of ensuring that that is very automatically and immediately available.

I welcomed the emphasis of the representative of Colombia on the need to embed a culture of protection and the role of the Security Council in being a body that brings neutrality and impartiality. He referred to the fact that special envoys should offer specific recommendations, and referred in particular to potential forthcoming opportunities in the Great Lakes area and in Georgia. Again, I think it is a case of a coordinated approach, as has been emphasized by so many contributors to this discussion. The real prevention and embedding of a culture of protection comes from drawing on all components including, obviously, the human rights framework and sector.

I also agree with the emphasis on responsibility of the private-sector actors, as I had said. We are increasingly learning of ways to ensure that there is not even indirect complicity in abuses of violations of human rights. The private sector itself is very engaged in looking at this area.

Finally, I come back again to the contribution of the representative of Mali. The first point that was made was about this being a very good time for stock-taking and looking at gaps. I believe that this is one of the challenges we face when looking at the protection of civilians in armed conflict. What are the gaps? As I said, we increasingly recognize those gaps in relation to internally displaced persons; those gaps are there. One of the gaps is reflected in the point made by the representative of the Russian Federation in saying that perhaps more account should be taken, in more depth, of each situation of conflict. Sadly, we have seen that addressing issues of conflict and making some progress does not necessarily last, and that countries can fall back into conflict. One of the responsibilities is to ensure that we look deeply enough. Again, I would point to the need not only to understand the importance of violations of human rights as being at the root of conflict, but also building the capacity of countries to address issues of conflict.

If I might digress to something slightly different that has been very much in my mind as I have listened to this debate, in Brussels on 14 May we will hold a special conference to focus on less developed countries. The ability of less developed countries to build their capacity in the administration of justice, rule of law and protection of human rights is vital to the protection of civilians in armed conflict, because if we look at the profile of conflicts, we see that a very significant number of them are in less developed countries; they have roots in poverty; and they have the profile that is reflected in the reports of the Secretary-General.

But from a capacity-building point of view, and as a system as a whole, we have to recognize that in order to combat issues of conflict and the impact of conflict on civilians in the long term, we must be prepared to invest in ensuring that less developed countries have more support in building up their administration of justice, their rule of law, their own capacity in protecting human rights, and that this, then, should also be reflected in better regional approaches, as has been emphasized.

Again, I find this a very rich and very practical debate, and I am very pleased indeed to have been able to participate.

The President: I thank the High Commissioner for those further points she has made, and I should like, on behalf of the Council, to express our gratitude to her for taking the trouble to come across from Geneva for this debate and spending the whole morning with us.

Mr. Kolby (Norway): My delegation, too, welcomes this open debate on this very important item.

I shall refrain from reading out my full text.

I should like to thank Deputy Secretary-General Fréchette, and also Mrs. Robinson for her introduction and very active involvement in our discussion. We also welcome the Secretary-General's report and in particular the clear analysis and the concrete recommendations set forth.

Regrettably, many of the recommendations contained in the previous report on the same issue and in resolution 1296 (2000) of last year have not been sufficiently acted upon. The lesson to be drawn is that, in addition to agreement on intent, we need to be clearer on how we ensure the follow-up. We need a road map for moving from intent to action. I shall return to this issue after having made the following observations on the basis of the recommendations in the report.

Norway welcomes the Secretary-General's call for a shift of focus in this debate from analysis to actual implementation. It is our sincere hope that today's debate will contribute towards this end. In this regard, we strongly endorse the approach of creating a culture of protection, with the aim of encouraging all relevant actors to live up to their respective responsibilities. National Governments, armed groups, United Nations Member States, the Security Council, other United Nations bodies, non-governmental organizations and others clearly have different roles and responsibilities in this field.

In line with this, any strategy aimed at enhancing the protection of civilians in armed conflict should take as a point of departure that the main responsibility lies with the national Governments. Moreover, the nature of most conflicts in today's world suggests an obvious need to engage armed groups in a constructive dialogue on protection issues.

In this context, efforts on the part of the Security Council and other international actors should be seen as complementary in order to provide civilians with the protection they are entitled to under international law. We believe this framework is fundamental in order to set goals which are realistic and achievable.

It bears recalling also that protection of civilians is not an option; it is a moral duty and a legal responsibility, which flow from the legal commitments in human rights and international humanitarian law. We cannot consider whether to provide safe and unimpeded access of humanitarian personnel to people in need; we are bound to. We cannot decide to ensure the well-being of refugees and internally displaced persons; we have to. The parties to a conflict cannot choose to ensure the safety and protection of humanitarian agencies and their workers; they are liable to criminal prosecution if they do not do so.

The ad hoc Tribunals established are already making essential contributions to truth and long-term reconciliation. We need to demonstrate the consistent and unrelenting commitment of the Security Council to fight cultures of impunity in armed conflict. The message should be that the Council, within its powers and mandate, will not passively stand by and accept that large-scale atrocities go unpunished. The implementation of recommendations 1 to 3 in the present report will represent important steps in that direction.

The permanent International Criminal Court which is in the process of being established has the potential to make decisive changes in the capacity of the international community to react in a timely manner to mass atrocities. A prospective institution rather than a retrospective one has clear advantages in this respect.

Norway wishes to place on record its high expectations that the Security Council will play an important triggering role in the establishment of the Court. We urge all States that have not yet done so to ratify or accede to the Rome Statute, as well as to all relevant instruments of international humanitarian law, human rights law and refugee law, including the 1994 Convention on the Safety of United Nations and Associated Personnel.

Moreover, we support the recommendations to emphasize the direct responsibility of armed groups under international humanitarian law for crimes against humanity, war crimes and acts of genocide committed by them. A practical tool in this respect is the promotion of international humanitarian law through

the International Committee of the Red Cross and United Nations broadcasting.

We also support engaging armed groups in a dialogue aimed at facilitating the provision of humanitarian assistance, inter alia, through increased interaction. Such contact should not in any way be understood to confer legitimacy on any group.

The safety and security of refugees is an important concern in armed conflict. A great threat to refugee security is the infiltration of armed elements in refugee-populated areas and the militarization of refugee camps. The Office of the United Nations High Commissioner for Refugees (UNHCR) has proposed the valuable concept of a "ladder of options" to ensure refugee safety, including different degrees of intervention, from an international presence to intervention requiring police or military force. We welcome the cooperation which has been established between UNHCR and the Department of Peacekeeping Operations in this regard, and we encourage the continued efforts to come up with practically oriented recommendations on this important issue.

Although complex and difficult to handle, the separation of armed elements from civilians clearly has great potential as a protection tool. It also constitutes an important measure in terms of preventing conflict escalation.

As regards further follow-up of this agenda item, we would recommend the elaboration of a so-called road map for further action. The recommendations in the Secretary-General's report involve different types of action to be undertaken by different actors. Some recommendations are already under way or are being implemented, while others will require further conceptual development of the topics concerned. We therefore support a regrouping of the recommendations, with the aim of establishing a targeted plan of action specifying who needs to do what, when and in what sequence. In this regard, we welcome the readiness of the Secretariat to report on the progress of implementation, as indicated by the Deputy Secretary-General in her statement.

We would suggest that the Secretariat be requested to present regular informal briefings to the Security Council on the progress of implementation on this topic. We suggest that the first briefing be given in six months' time, and thereafter as required. Furthermore, a new comprehensive report on the status of implementation of resolution 1296 (2000) and the recommendations in the Secretary-General's report should be forthcoming within 12 months of the first briefing on progress.

Moreover, to ensure proper follow-up, we also need to ensure a more interactive dialogue between the Secretariat and the Security Council. Closer cooperation between the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations is therefore encouraged to ensure that protection-related considerations are integrated at the earliest possible stage of planning and implementation of peacekeeping operations.

More generally, there is also a need to ensure that the protection of civilians does not remain merely a thematic topic on the agenda of the Security Council. It should take its rightful place in all relevant matters addressed by the Council. The recommendations of the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Adviser on Gender Issues and Advancement of Women should also be fully considered in this context.

The issue of protection of civilians in armed conflict is an issue of paramount importance that is also of an operational character. It needs to remain on the Council's agenda.

Mr. Neewor (Mauritius): First of all, I would like to thank you, Sir, for your initiative to hold an open debate of the Security Council on the important subject of protection of civilians in armed conflict. We are grateful to the Secretary-General for his comprehensive report of 30 March on this subject. We also thank the Deputy Secretary-General for introducing the report this morning and the High Commissioner for Human Rights, Mary Robinson, for her presence and her statement.

This is an occasion to remind ourselves that the United Nations came into being precisely to prevent the recurrence of the horrible cruelties that millions of human beings suffered during the Second World War. The founding fathers of the United Nations, tormented by the death and destruction they had witnessed during the long years of the War, concluded that enough was enough and decided to create the institution of the United Nations in the hope that it would help end forever wars that had inflicted so much suffering on so many people. They acted to stop the killing of soldiers and civilians. They gave us the United Nations in order

that their dream of lasting peace and security for all peoples of the world might be secured.

The question we must ask ourselves today, half a century later, is whether we have lived up to that dream. Obviously, we have not. Instead, we, the Members of the United Nations, have either closed our eyes or stood callously by as despots, such as Pol Pot in Cambodia, Idi Amin in Uganda and other self-seeking individuals — for example, in Rwanda, in the Balkans and, more recently, in Sierra Leone — have engaged in terror and genocide against millions of their own people. We all have to search our consciences and come up with our own conclusions as to whether we have failed the millions of men, women and children who have died in the past few decades in civil conflicts in different parts of the world.

Armed conflicts not only bring about death and destruction, but also produce large-scale populations of refugees and internal displacements of men, women and children. These are people who are forced to live in misery and deprivation for years on end away from their native lands. The number of refugees and internally displaced persons around the world today has reached alarming proportions and continues to grow. These victims of armed conflict need the greater attention of the international community, for they cannot exist as forgotten people forever.

The countries that host masses of refugees in Africa are themselves poor and needy and undoubtedly stretch themselves to the outer limits of their possibilities in having these unwanted guests unendingly on their soil. These countries should receive the special attention of the community of donors.

We believe that there are two interlinked aspects to the problem we are addressing here. As long as there is armed conflicts, there is going to be human suffering as a consequence. We need therefore to look not only at the humanitarian dimension of armed conflicts, but also at the prevention of conflicts. The Secretary-General's report on the causes of conflict in Africa is a well-researched document that clearly identifies the root causes of conflict in Africa; it is also an important guide on how to prevent such conflict. We need to act on this important document. We suggest that an international conference be held at the summit level in the near future to address the questions raised in the Secretary-General's report. Such a conference should help define a package of measures that must be taken at the national and international levels for the prevention of armed conflict.

With regard to the humanitarian aspect, the Secretary-General's report of 30 March has made a number of recommendations, which need to be implemented by the United Nations system. The General Assembly and the Economic and Social Council have important roles in the implementation of the recommendations, but, in our view, the most effective way to protect civilians in armed conflict is to provide for the prosecution of those who perpetrate crimes against civilian populations. We believe that the International Criminal Court can be an important instrument in this regard. The perpetrators should know that there is no sanctuary for them anywhere and that, sooner or later, they will be held accountable for their crimes in an international tribunal.

We further believe that regional and subregional organizations have an important role in preventing conflicts, which invariably lead to human tragedies. In this regard, we have the examples of action by the Economic Community of West African States in the conflicts in Liberia and Sierra Leone. Another important example is the action of the North Atlantic Treaty Organization in the Balkans. Unfortunately, the regional and subregional organizations, in Africa in particular, do not always have the resources to intervene in conflicts in their regions. They need to be provided with the necessary means so that they may take timely action when conflicts loom in their areas.

We all know that it takes the United Nations generally too long to intervene in conflict situations. This is particularly true with regard to conflicts in Africa. A glaring example is the Democratic Republic of the Congo, where the deployment of the United Nations Organization Mission, approved by the Security Council almost two years ago, has been only partially achieved even today. In such situations, it is the civilian populations that suffer prolonged agony. This is a problem on which we should reflect very seriously. We also believe that all peacekeeping operations must have a human rights component to ensure strict compliance by the protagonists with all existing humanitarian laws.

Last but not least, the local and international media, as well as national and international non-governmental organizations, should be encouraged to

be more proactive in exposing violations of human rights and humanitarian law in conflict situations.

The conflicts that we have to deal with today are much more complex than those in the early days of the United Nations. But the response mechanisms of the United Nations in conflict situations have remained unchanged. This situation undoubtedly affects the effectiveness of United Nations intervention in present-day conflicts. We believe that the time has come to revisit and review the response mechanism available to us to address conflicts around the world.

The President: I shall now make a statement in my capacity as representative of the United Kingdom, after which I will suspend the meeting for lunch.

I, too, am very grateful for the statements of the Deputy Secretary-General and the High Commissioner, and to all members of the Security Council for approaching this debate in a very practical manner. I shall just add a few points within the context of the general statement which the Swedish Presidency of the European Union will be making this afternoon.

As the Secretary-General's report shows, this is a subject which concerns us all, but one to which the United Nations system has not yet made a real difference on the ground. We need to examine closely why it is that, as the Secretary-General commented in his report (S/2001/331), so few of his recommendations from September 1999 have been fully implemented. There are reasons why resolution 1296 (2000) was not able to endorse all of them. Some fell outside the Council's competence, some outside its reach in terms of what was practical or realistic. Others simply did not garner consensus. But where we have found consensus on a principle, we should have systems in place to ensure that we follow through with coherent and practical action. It is not sufficient simply to adopt a thematic resolution or presidential statement. In this area the particular challenge is to mainstream the commitments that we make in these decisions into our everyday work on country-specific issues such as Sierra Leone, the Democratic Republic of the Congo, East Timor, Afghanistan and many others.

It is also clear that the Security Council cannot succeed on its own. Making a difference requires the effort, cooperation and active involvement of the parties to conflict and of the wider United Nations system.

The primary responsibility rests with the parties to conflict. They must change their behaviour and live up to their moral and legal responsibilities. If they will not do so themselves, the international community should help them to do so. We must take further strides to combat the culture of impunity. All States should sign and ratify the Rome Statute of the International Criminal Court, and the proposed special court for Sierra Leone must now be established. Special representatives of the Secretary-General and special envoys should be asked to report on responsibilities ignored or abused, including by non-State actors.

The wider United Nations system — Governments, the Secretariat, agencies, funds and programmes — must also examine how best to make their contribution. This means a clear-sighted examination of which organ or body is best placed to take action, for example, and how Member States can help that happen. The report before us says that the Security Council should engage the parties to conflict in negotiations on access for humanitarian actors and undertake fact-finding missions. But in practice, these actions are those which are most likely to be taken up by actors that are represented in the field. Although the Council can put its political weight behind them, we must be clear about the most effective avenue of approach.

We therefore need clear arrangements for coordination within the United Nations — an improved system-wide approach that will consolidate the expertise of all relevant bodies without stifling the capacity of any to do the work that it does best. I hope that we will be able to discuss this further at the Council's meeting with the Economic and Social Council on Friday, and I take note with interest of Ukraine's proposal that the Economic and Social Council should join in fact-finding missions when it is relevant for the Council to institute them.

All of this will be without value, however, if we do not also make real strides to close the gap between ambition and capability. The practical commitments that we make must lead to a real difference in the protection of civilians on the ground. Our next steps, therefore, need careful consideration. I would counsel against a resolution or presidential statement taking action on the Secretary-General's report at this stage. They are too easy to agree in the language of political compromise and then to ignore the next time a crisis comes along. Instead, we should be thinking carefully

about how to meet the challenge the Secretary-General has given us in our everyday work.

I hope that in this context the Secretary-General will not limit himself to making recommendations on the protection of civilians once a year. Instead, he should do so every time he reports on an individual country situation where civilians are at risk, with clear and practical proposals for realistic and sustainable action in that case. One useful outcome of this debate would be for us to ask him to do that. Another might be to ask for reinforced structures on the ground — for instance, the establishment of automatic reporting procedures on abuses of human rights and the appointment of deputy special representatives with responsibility for coordination on the humanitarian implications of conflict, along the lines of the role played by Alan Doss in Sierra Leone.

We also need to accept that the success of our decision-making will in large part depend on the information and analysis that is placed at our disposal. We should consider what role there might be for the Executive Committee on Peace and Security, and whether there is need for a permanent capacity in the Secretariat — perhaps a cross-cutting team in the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations — to address the protection of civilians.

Finally, there is the all-important regional context. We agree that it is time to forge operational links with the regional and subregional organizations that can bear the weight of the work that we collectively have to do. Here I entirely agree with the proposals made by the representative of Mali on the capacity of the Economic Community of West African States and the need for the Security Council and the United Nations system to look at the capacity-building aspects of our link with regional and subregional organizations. We have to analyse carefully the obstacles to the effectiveness of peacekeeping operations and put in place sensible solutions to them. The Secretary-General's proposal on media monitoring mechanisms is a good example. We must also recognize that civilians, so often the victims of conflict, are individuals in specific circumstances with particular protection needs. Whether they are children, women or other vulnerable groups, their needs must be properly identified and met. As we mainstream the Secretary-General's recommendations on civilians in our everyday work, we should be sure to do the same in implementing resolution 1325 (2000), on women and peace and security.

In short, there is no need for further recommendations of a general nature. We have them already. The Council and its United Nations partners now have to assess themselves for their success in achieving results.

I now resume my functions as President of the Council.

I should like to thank members of the Council for their contributions this morning. I shall now suspend the meeting. We will resume at 3 p.m. with a contribution from the Under-Secretary-General for Humanitarian Affairs, Mr. Kenzo Oshima, and then move on to the list of speakers under rule 37.

The meeting was suspended at 1.30 p.m.